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A N

Attorney's Practice

Common-plac'd :

CONTAINING

All the RULES and ORDERS relating to the Practice of the *King's Bench* and *Common Pleas* to this present Time, with Explanations and a great Number of practical Remarks alphabetically digested under proper Heads, and the Subject Matter under each Head disposed in its natural Order ; and such References are made from one Head to another, that any thing contained may easily be found without the Help of an Index, whereby much Time and Trouble may be saved in attaining the Knowledge of the most useful Points of an Attorney's Practice.

In Two Parts.

The First PART in the *King's Bench*.

The Second PART in the *Common Pleas*.

By an ATTORNEY at Law.

In the SAVOY:

Printed by HENRY LINTOT (Assignee of *Edw. Sayer, Esq;*) for J. Robinson, at the *Golden Lion* in *Ludgate Street*. 1743.

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T H E

P R E F A C E.

*A*LL the Books of Rules and Orders concerning the Practice of an Attorney hitherto extant, are compiled in the Order of Time wherein they were made, and consequently those Rules that relate to any one Point of Practice, must be scattered about amongst other Matters, and require much Time and Pains by the Help of an Index to find 'em out; and when found, each Part being for the most part upon various Subjects, and frequently vacated either in the Whole or in Part by a subsequent one; it must therefore require more Time, and be difficult in most Cases, to deduce from such Books the present Practice conformable to the Rules.

The P R E F A C E.

To remedy all these Inconveniencies, the Rules in this Book are common-plac'd, and the subject Matter of each Title disposed in its natural Order, with Explanations and a great Number of practical Remarks; and to avoid Repetitions, those Rules or Orders which are about several Matters, are separated, and each Part placed under its proper Title, and References made to such other Places where any thing relating to that Matter may be found. The Latin Rules, to make them conformable to those in English, are translated and abridged; but due Care is taken throughout the Whole, that nothing but Superfluities are omitted: All which 'tis hoped will render the Whole more compact and serviceable than any thing of this Kind extant.

THE

RULES of PRACTICE

Common-plac'd.

Ac etiam.

1. **N**O Attorney shall presume at his Peril, to make, or cause to be made, any Precept or Writ, with the Clause *Ac etiam*, &c. against any Heir, Executor, or Administrator; or in any Case where
- King's Bench.
Mic. 15 Car. 2.
No Ac etiam
against Heirs,
Executors or
Administra-
tors, &c.*

B

Statute 13 Car. 2. c. 2. which enjoins the Cause of Action to be expressed in the Writ or Process, which holds the Defendant to Bail, hath ordained the Inserting this Clause in all such Writs or Processes.

King's Bench. where by the Custom of the Court Special
Mic. 15 Car. 2. Bail is not required (b).
 1728.

(b) Special Bail is not required against Peers of this Realm, Ambassadors or their Servants, Members of Parliament or their Servants, during the Time of Privilege, Corporations or Companies, or privileged Persons belonging to the Courts of Justice; as Clerks of the Offices and Attornies; neither is it required in Actions on penal Statutes, or Slander, Covenant, Trespass, Battery, Wounding or Imprisonment, unless there be an Order of Court for it, or a Warrant under the Hand of one of the Judges of the Court, out of which the Writ Issued; nor for any Debt, Assumpsit, or otherwise in a Superior Court, unless the Cause of Action is 10*l.* or upwards; and then an Affidavit must be made, and filed, and the Sum sworn to, indorsed on the back of the Writ or Process; for which Sum the Sheriff shall take Bail, and for no more. 1 *Lilly* 13. 1 *Instr. Cler.* 40. *Stat. 12 Geo. 1. c. 29.* The King's Servants in Ordinary must not be arrested without Notice first given to the Lord Chamberlain. *Vid. 1 Lilly's Register, Tit. Arrest;* and see Title **Bail** in the Common Pleas.

Hill. 2 Geo. 2. II. All Clerks and Attornies, that intend to proceed according to the above
 1728. Rule, (i. e. *A Rule made in the same Term for the Time of Pleading, when the Cause of Action is specially set forth in the Process. Vide the Rule under Title Pleas II.*)
Notice fixt up in the King's Bench Office. (b) are to take Notice, that in suing out
Of Special Process. such Writs they do not insert in the **Ac etiam** the whole Declaration at length,
(b) Note, By the Stat. 5 Geo. 2. c. 27. No Special Writ or any Process, specially expressing the Cause of Action, shall be but only describe the Cause of Action
 shortly, according to the Specimen hereunder set forth, varying the same as the Nature of the Action shall require.
sued forth in a Superiour Court, unless the Cause of Action amounts to 10 l. or upwards; Penalty on Attorney or Officer issuing such Special Writs 10 l. and Costs of Suit, and all Proceedings void.

For Goods
 Sold.

— Of a Plea of Trespass; and also
 to a Bill of the said **Q.** against the afore-
 said

Ac etiam.

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saïd D. for 50 l. for divers Goods, Wares and Merchandizes, sold and delivered to the saïd D. by the aforesaid Q. according to the Custom, &c. *King's Bench. Hill. 2 Geo. 2. 1728.*

—— For 50 l. as well for divers Goods, Wares and Merchandizes sold and delivered, as for divers Sums of Money by the saïd Q. for the saïd D. and for his Use, and at his Request, laid out and expended. *Goods Sold and Money laid out.*

—— As well for divers Sums of Money to the saïd D. by the aforesaid Q. lent and accommodated; as for divers Sums of Money, by the saïd D. for the saïd Q. and to the Use of the saïd Q. had and received. *Money lent and received;*

—— Of a Plea that he render to him 100 l. which to him he owes, and from him unjustly detains. *Debt:*

—— Of a Plea that he keep to him the Covenant between the aforementioned Q. and the aforesaid D. made according to the Form and Effect of a certain Indenture between them made and executed. *Covenant:*

—— For that, That the saïd D. with Force and Arms upon the saïd Q. made an Assault, and him beat, wounded and ill treated, to the Damage of the saïd Q. 10 l. *Assault.*

Accounting with the Secondary.

Vide Attornies XII.

Actions. Vide Additions II. Fines I.

B 2

Additions.

King's Bench.
Mic. 15 Car. 2.

Additions.

In Affidavits.

(a) A Man may have different Additions at different Times and

Places ; for some Additions, viz. of Esquire, Gentleman, Yeoman, &c. are only *Ad libitum*, and as People please to call them, and may be varied ; but the Title of Knight or Baronet, are Part of the Party's Name, and are to be rightly used. An *Irish* Earl is no Addition of Honour here, but is written by his Christian Name and Surname, with the Addition of Esquire only. 1 Lilly 34.

Same Term.

In Actions.

(b) By Original. 1 Lilly 35.

(c) And Place of Abode.

1 Lilly 35.

(b) Lilly says,

that the reason of making this Order was this : Before the Act for taking away Fines for Capiaturs, the Clerk of the Crown-Office used to take from the Judgment Rolls, all the Judgments which were entred with a Capiatur, and thereupon sued out Process to Outlawry ; and the Addition was to know who the Defendant was, and where he lived. And he says, that in every Original Writ in personal Actions, Appeals and Indictments, in which Exigent shall be awarded, such Additions shall be made ; And that Process to Outlawry are void without the said Additions.

Administrators. Vide Ac etiam I.

Admissions. Vide Attornies I. to VI.
Forma Pauperis I.

Amidavits

Affidavits.

Vide Additions I. Bail XXIII. Returns of Writs I.

I. **T**HE Court having declared, that no Affidavit sworn before a Commissioner in the Country, ought to be, or shall be hereafter read in Court before it be filed; and a Copy thereof made, and such Copy read; It is desired, that all such Affidavits be brought to the Clerk of the Rules, to be filed in such convenient Time, that Copies of them may be duly made, and delivered to the Party affiling the same.

Notice fixt up
in the King's
Bench Office.

Alias. Vide Writs I, V.

Appearances. Vide Bail.

Appointment. Vide Attornies X.

Arrests.

Vide Ac etiam I. Warrants II, III.

I. **I**F a Defendant be legally delivered from an Arrest upon any Process, he shall not be arrested again at the same time, by Virtue of another Process at the Suit of the same Plaintiff. The Attorney

Mic. 15 Car. 2.
Not to be arrested after
being once discharged.

King's Bench. or Plaintiff offending, the Attorney to be expelled, and both to be punished as the Court shall think fit.

Attachments. Vide Motions I. Prisoners VII. Returns of Writs III.

Attendances. Vide Attornies IX, X, XI. Sheriffs I.

Attornies.

Mic. 3 Annæ, 1704.
By the 12 Judges.
Of being admitted into the Inns.
N. B. Rules to the same Purpose were made in Trin. 29 & Mic. 36 Car. 2.

I. ALL Attornies of B. R. C. B. and *Scac. at Westminster*, shall procure themselves to be admitted of some of the Inns of Court or Chancery, and take Chambers there, (if conveniently they may be had,) or else Lodgings in some convenient Place near the said Inns, and leave Notice in Writing with the Butler or Porter of such Inn whereof they are admitted, where their Lodgings or Habitations are; (except Inhabitants or Housekeepers in *London, Westminster, Southwark*, or the Suburbs thereof, and the Liberty of the Tower of *London*, and *St. Catherine's* there; and sworn Attornies of any Courts within the said Cities, Towns, and Liberties.

Certificate thereof to be produced when Sworn.

II. And for the future, no Person to be sworn an Attorney, or admitted a Clerk of any of the said Courts or Offices thereto belonging, (except the Persons before excepted,) unless so admitted, and produce

Attornies.

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produce at the Time of his being sworn *King's Bench.*
or admitted as aforesaid, a Certificate of
his Admission under the Hand of the
Treasurer or Principal of the Inn whereof
he is admitted, (which they are to give
without being paid for the same.) By
Attornies or Clerks in *B. R.* the Certi-
ficate to be delivered to the Secondary;
and by Attornies of *C. B.* to the Clerk of
the Warrants; and by the Clerks of the
said Court to the Prothonotary, in whose
Office they shall be admitted. And by
Attornies and Clerks in *Scac.* to the King's
Remembrancer, or his Deputy, to be filed
by the said respective Officers, before the
Names of the Attornies be entered on the
Roll, or the Clerks admitted as aforesaid.
The Treasurers and Principals of the Inns
may resort to the files of the said Certifi-
cates without paying for the same.

III. No Attorney or Clerk shall put himself out of the Society he is first admitted into, 'till admitted into another, and has delivered a Certificate of the Treasurer or Principal of the other Society to the Treasurer or Principal of the Society he was first of. *Not to leave one Inn till admitted of another.*

IV. And the Attornies or Clerks so admitted, shall be in Commons according to the Orders of such Society whereof they are admitted. Any Attorney offending against this Rule to be put out of the Roll, and Clerks discharged from their Offices, if they so offend. And the Secondary of *B. R.* and the respective Protho- *To be in Commons.*

King's Bench. notaries, and Clerk of the Warrants of *C. B.* and the King's Remembrancer, or his Deputy of *Scac.* and all Officers whom it may concern, are required to give Obedience to this Order, and see that the same (as to themselves) be duly observed.

Lifts to be
given of such
as are not ad-
mitted.

V. The respective Treasurers and Principals of the Inns of Chancery, and the Antients, Rulers, and Governors of the same, shall procure a Lift of such Attornies and Clerks, as are not so admitted; which Lift they shall yearly in *Michaelmas-Term* deliver to the Chief Justices and Chief Baron, that the Offenders against this Order may be compelled to obey the same.

Also of irre-
gular Prac-
ticers.

VI. Also the said Treasurers, Principals, Antients, Rulers and Governors, shall procure a Lift of such as practice as Attornies or Clerks, in any of the said Courts, who are neither sworn Attornies, or admitted, entred or seated Clerks in any of the Offices of the said Courts; which Lift is to be delivered in as afore-said, that such Offenders may be proceeded against in such manner as shall be

(a) *Lilly* says, thought fit (a).
that since the

making this Rule, several Attornies and Clerks have been served with it; and upon Affidavit of Service, and Motion for an Attachment, the Courts have appointed them to shew Cause why they have not obeyed the Rule; and upon their being admitted into some of the Inns, and paying 1 *l.* 6 *s.* and 8 *d.* for Charges of the Rule, and serving it, Proceedings have been staid; but if they did not appear in Court, or shew good Cause, or be admitted; the Courts have granted an Attachment, and then they pay 40 *s.* for the Charges of the Attachment and Proceedings thereupon.

VII. Attornies.

Attornies:

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VII. Attornies to appear in Court, &c. *King's Bench. Hill. 21 Car. 1.*
But more fully directed by the next Rule.

VIII. Attornies shall appear in Court To appear in Court.
in Person (a), on or before the 14th Day *Trin. 14 Ca. 2.*
of Michaelmas-Term, and on or before the (a) An Attor-
7th Day of every other Term, or forfeit ney absenting
for the First Default 10 s. and for the Se- himself from
cond 20 s. the Court a
whole Year

together loses his Privilege. *1 Lilly 142.*

IX. Clerks and Attornies shall attend *Easter 1656.*
the Court on Notice given them of Mo- *Pal. 14 Car. 2.*
tion, or forfeit 10 s. To attend on
Motions.

X. No Attorney or other Person shall *Mic. 11 G. 1.*
be summoned to attend a Judge, nor any 1724.
Matters be transacted before him at Of his Attend-
Chambers, or elsewhere out of Court, ance on Sum-
during the Sitting of the Court at *mons.*
West-
minster; and all Orders and other Trans-
actions so made shall be vacated. See
Title Rules.

XI. Every Attorney of this Court shall *Hill. 15 Car. 2.*
Personally attend the Master at the Time To attend
by him prefixed (on having Notice there- the Master.
of) to examine Causes referred to him (b) (b) Likewise
or forfeit 10 s. to attend on
striking Spe-
cial Juries.
Vide *Jury.*

XII. Rules were made in these Terms, *Pal. 15 Car. 2.*
concerning Clerks accounting with the Secon- *Hill. 15 & 16*
dary, but seeming to be of no use, as the *Car. 2. Trin.*
Entries are now paid for, on signing Judg- 20 Car. 2.
ments or passing Records, I have omitted Accounting
them. with the Se-
condary.

XIII. Every

Audita Querela.*King's Bench.**Paf. 19 Car. 2.**The like in**Mic. 15th of**the same King.**Attornies to**pay 2 s. a**Term to the**Clerk of the**Declarations.*

XIII. Every Clerk, Philazer, and Attorney of this Court, shall pay to the Officer of this Court, appointed for receiving, filing and keeping Bills, and Declarations filed here in Court, the antient Fee of 2 s. at the End of every Term for his Salary; and any of them refusing, upon reasonable Request, to be suspended from the Privilege of practising in the said Court, at the Direction of the chief Clerk or Secondary.

Audita Querela.*Trin. 9 Jac. 1.**Allowing**Writ, and**taking Bail.*

I. **N**O Writ of *Audita Querela* shall be allowed, or Bail thereupon taken, unless in Court upon Motion first made, and a Rule thereupon entred.

Bail.

Bail.

Vide Audita Querela I. Ejectment I.
Error IV to VII. Escape, in the
Notes. Habeas Corpus III to VIII.
Original III. Prisoners IX, XI.

Common Bail on Cepi Corpus.

I. **A**ttornies, &c. within ten Days after the End of every Term are to deliver to the Secondary a Note of all Appearances made to them the Term before, and by whom made; so that the Clerk of the Common Bails may see if Bail be filed for every such Appearance. *A Note of Appearances to be delivered to the Secondary. This is not usual now.*

II. Every Attorney who appeared for any Defendant, was to file Common Bail within six Days after the End of the Term whereof he appeared. *But now when the Defendant is personally served with a Copy of Process, he is to appear, or file Common Bail within eight Days after the Return of the Process, or the Plaintiff may file it for him.* Vide postea VI. *Mic. 16 Car. 2. In what time Common Bail is to be filed.*

III. Upon every Judgment confessed by Warrant of Attorney, Bail for the Defendant shall be filed to Warrant the Judgment; or the Attorney who ought to file it shall forfeit 10s. for every such Bail-piece not affiled; and for every other such Common *Hill. 1 W. & M. Bail to be filed to warrant Judgment by Warrant of Attorney.*

King's Bench.

Penalty for
not filing
Bails.

Trin. 4 W.

Es M.

Voluntary
Appearance.

Trin. 4 W.

Es M.

Of paying
for filing
Common Bail.

Common Bail which ought to be affiled 10 s. and punished as the Court shall think fit.

IV. If any Defendant voluntarily appears, at the Suit of any Plaintiff, in any Action, such Appearance shall be of no Effect, except the Attorney for the Plaintiff, within fourteen Days after, sues out a *Latitat* or Bill of *Middlesex*.

V. The Defendant's Attorney *was* to pay to the Plaintiff's Attorney 1 s. and 6 d. for Common Bail, upon joining every Issue, unless he made it appear that it *was* affiled; and the Plaintiff's Attorney *was* to pay it to the Secondary. And upon Signing Judgment by Default, or *Non Informatus*, the Plaintiff's Attorney *was* to pay to the Secondary 1 s. and 6 d. for Common Bail, if not filed; and that 1 s. and 6 d. *was* to be allowed in Costs. *But now the Plaintiff's Attorney always charges 6 s. and 8 d. for filing the Common Bail, on the back of the Declaration, which the Defendant's Attorney must pay, on the Delivery of it; or if filed, when he takes it out of the Office.*

Mic. 10 Geo. 2.

1736.

Of filing

Common Bail

VI. For the better distinguishing by whom Common Bail shall have been filed; when filed by the Plaintiff (a) for the Defendant according to the Statute. (a) By the Statute 12 Geo. 1. c. 29. where a Copy of the Process is served, and the Defendant does not appear, or file Common Bail in four Days, (but now by the Statute 5 Geo. 2. c. 27. in eight Days) after the Return of the Process, the Plaintiff, upon filing an Affidavit of such Service, may file Common Bail for the Defendant, and proceed thereon, as if the Defendant had filed Common Bail for himself.

defendant

endant, pursuant to the Statute, these *King's Bench.*
or the like Words shall be written on the
Bail-piece, viz. **Filed according to the**
Statute.

*Special Bail on Cepi Corpus taken
before a Judge.*

VII. No Attorney was to put in Bail *Mic. 7 Jac. 1.*
till he had given Notice thereof to the *Notice of put-*
Plaintiff's Attorney, upon Pain of Expul- *ting in Bail.*
sion. *Notice is now given after Bail put in,*
ut postea XIII.

VIII. Every Attorney, who puts in Spe- *Mic. 16 Car. 2.*
cial Bail before a Judge, *de bene esse*, on a
Cepi Corpus, shall give Notice thereof with-
out Delay to the Plaintiff or his Attorney.

IX. In *Hill.* and *Trin.* Defendant was *Pas 11 W. 3.*
to put in Special Bail before the Continu- *Time of put-*
ance Day, by the Secondary appointed, *ting in Bail.*
after the End of these Terms; and in
Michaelmas and *Easter*, if arrested by Pro-
cess in *London* or *Middlesex*, the Defendant
was to put in Bail within eight Days after
the Return; and in any other County,
within fourteen Days. *But this Practice*
is altered as follows.

X. Where the Defendant is arrested in *Mic. 8 Annæ.*
London or *Middlesex*, and shall give a Bond *In London and*
for his Appearance, the Defendant hath *Middlesex.*
Leave for four Days after the Return of *In other*
the Process (a) to put in Bail (b). And *Counties.*
(a) Exclusive
of the Appear-
ance Days. (b) Or the Bail-Bond may be assigned, if it is put in
before Commissioners. Vide postea XXIV. for the Time of Trans-
mitting it.

King's Bench. when arrested in any other County, fix
Days.

Trin. 22 Car. 2.

Note, 'Tis said
this does not
appear en-
ter'd amongst
the Rules of
this Term.

XI. No Defendant arrested by Process
of this Court shall be compelled to put in
Bail for a greater Sum, than in the Pro-
cess; and if the Plaintiff declared for more,
the Bail should not be liable. *But by the
next Rule,*

What Sum Bail shall be put in for.

Easter 5 Geo. 2.

And for how
much the
Bail are liable.

XII. Where the Plaintiff declares for,
or recovers a greater Sum than is expressed
in the Process, the Bail shall not be dis-
charged, but be liable for so much as is
Sworn to, and indorsed on the Process,
or for any less Sum, which the Plaintiff
shall recover; any Rule of this Court to
the contrary notwithstanding.

Mic. 21 Car. 1.

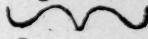
Notice of put-
ting in Bail.

XIII. The Attorney for the Plaintiff
upon Notice of putting in Bail, was to
attend before any Judge of this Court to
accept or except against such Bail, upon
Pain of being put out of the Roll. *But
now 'tis Customary, when Special Bail is put
in, to give Notice thereof to the Plaintiff's
Attorney, mentioning before what Judge,
and the Names and Additions of the Bail,
that the Plaintiff may inquire after the
Sufficiency of them.*

Pas. 29 Car. 2.

Fees for Fi-
ling.

XIV. Attornies, at the Time of putting
in Bail, shall deposit in the Judge's Clerks
Hands the Fees for Filing, upon a *Cepi
Corpus* 2 s. and 6 d. and the said Clerk
shall deliver a Note to the Secondary with-
in six Days after the End of Term, of
the

the Bails put in of the preceding Term *King's Bench.*
and Vacation, with the Attornies Names, 
and pay him the said Fees.

XV. All Attornies, &c. who put in *Hill 23 Car. 1.*
Special Bails for Defendants *were* to affile *The Time of*
them immediately after accepted. *This* *filing Bail-*
seems to relate as well to Bail taken before *piece.*
a Commissioner as a Judge; and afterwards *When ac-*
ordered that, *cepted.*

XVI. Special Bails taken and allowed *Hill. 1650.*
before a Judge *were* to be filed in the
Office of the Term they *were* taken. *But*
by the next, being the latest Rule,

XVII. Attornies who put in Bail by *Trin. 13 Car. 2.*
Recognizance before a Judge, if the Plain-
tiff accepts it, to file the said Bail within
twenty Days after such Acception, under
the Penalty of 40 s.

XVIII. If the Plaintiff does not except *Mic. 16 Car. 2.*
against Bail (a) (put in before a Judge *de*
bene esse on *Cepi Corpus*) within twenty *Excepting a-*
Days after Notice of its being put in, *gainst Bail put*
then upon Affidavit of the Notice, in- *in before a*
dorsed on the Back of the Bail-piece, *Judge.*
(for which Oath no Fee shall be taken) *Time of Fi-*
the Bail to be affiled by the Defendant's *ling it when*
Attorney, within four Days after the End *not excepted*
of the aforesaid twenty Days. *And like-* *against.*
wise by the next (a Modern) Rule, *(a) This Ex-*
ception is
made in the
Bail-Book at
the Judge's
Chambers; and Notice of such Exception must be given to the De-
fendant's Attorney.

XIX. No Exception to Special Bail put *Mic. 8 Anna.*
in before a Judge of this Court, shall be *When Excep-*
made after twenty Days from Notice given *tion is void.*
of

King's Bench.

of such Bail being put in, according to the Custom of this Court; and an Exception after that Time shall be void, (*unless the Declaration be delivered De bene esse till Bail is perfected, and then you mark it so on the Back*). Note; After the Declaration is delivered, Bail cannot be excepted against; for, by declaring, the Plaintiff admits the Bail to be sufficient.

Easter 5 Geo. 2.

1732.

Justifying or adding new Bail. Vide Postea XXVI.

(a) If Bail be put in before a Judge, they must justify themselves in Court, for a Justification at a Judge's Chambers is not good, ex-

cept by Consent of the Plaintiff's Attorney. But otherwise if taken before Commissioners in the Country. Vide postea XXVI. and if the Defendant does not attend with his Bail, they must Swear they are worth double the Sum indorsed on the Writ.

Of Filing Bail. Vide antea from XIV. to XVIII.

Of

Bail.

17

King's Bench.

Of Special Bail taken before Commissioners in the Country (a).

XXI. *First*, The Bail-piece shall be fairly ingrossed on Parchment in the Form following.

(a) For the Time of putting in Bail, vide antea X.

2. If the Date is not Trin. 4 W. & M.

Form of Special Bail-piece.

Middlesex, ss. John Doe of Islington in the County aforesaid, Gent. is delivered to Bail upon a Capi Corpus,
to

John Denn of Hackney in the County aforesaid, Gent.
and

A. B. Attorney for the Defendant.

Richard Fenn of Highgate in the County aforesaid, Gent.
At the Suit of *Richard Roe.*

Taken and acknowledged
the Day of 17
before *A. B.* one of the
Commissioners, &c.

XXII. And in taking of the Recognizance these Words must be used.

Manner of taking the Recognizance.

" You (*calling the Bail by their Names*)
" do jointly and severally undertake, that
" if the Defendant, (*naming his Name*)
" shall be condemned in this Action, at
" the Suit of the Plaintiff (*naming his Name*) he shall satisfy the Costs and
" Condemnation, or render himself into
C " the

King's Bench. “ the Custody of the Marshal of the *Marshalsea* of the Court of (King's Bench)
 “ or you will pay the Costs and Condemnation for him.”

Affidavit of taking it.

XXIII. *Secondly*, Affidavit of the due taking such Bail shall be made either before some Judge of *B. R.* to whom the Bail shall be transmitted, or before some Person who hath power to take Affidavits in Matters and Causes depending in the said Court (a).

(a) If Sworn before a Commissioner, it must be drawn in Form and annexed to the Bail-piece, to be filed together.

Transmitting Bail.

(b) When taken within forty Miles, and not in *London* or *Middlesex*.
 Six Days to take Bail in exclusive of the Appearance Day.
 Vide X.
 Eight to

XXIV. *Thirdly*, All Bails taken before any Commissioner within the Distance of forty Miles (b) from *London* and *Westminster* shall be transmitted to one of the Justices of this Court, within eight Days after the taking thereof; and above the Distance of forty Miles (c) shall be transmitted within fifteen Days after the taking thereof, unless all the said Justices shall be in their Circuits, and then as soon as any one of them shall be return'd to his Chambers.

Transmit it after put in. Fourteen the Extent of the Defendant's limited Time. (c) The like when above forty Miles. Six to take it; Fifteen to transmit it, In all Twenty-one; which Times are to be observed by the Defendant or the Bail-Bond may be assigned.

Commissioner's Book.

XXV. *Fourthly*, Every Commissioner is to keep a Book to enter in the Names of the Defendant and his Bail, and the Plaintiff, as it is in the Bail-piece, and the Time

Time of taking thereof, and the Name of *King's Bench.*
him by whom such Bail shall be transmitted, and also the Name of the Attorney for the Defendant.

XXVI. *Fifthly*, The Plaintiff's Attorney shall be at liberty to repair to the Commissioner's Book for the Names of the Bail, that he may inquire of their sufficiency, and if insufficient, he may except *Excepting against Bail.* against them within twenty Days after the Bail is transmitted, and Notice to the Plaintiff, or his Attorney, of the taking *Justifying Bail.* thereof: And in that Case the Defendant must either put in better Bail, or the Cognizors must justify themselves *(a)* in Court, *(a)* For the Time of Justifying, vide antea XX. either by Affidavit taken before such Commissioners that took the Bail *(b)*, or by Oath in Court, or before one of the Judges of the said Court. *And of filing Bail, vide antea from*

XV to XVIII. *(b)* The Affidavit must set forth that they are House-keepers, and that they are respectively worth so much, mentioning the Sum they are Bail for, after all their Debts are paid, or exclusive of all Debts or Demands due from them to any Person or Persons whatsoever. Vide antea XX. in the Notes.

Of Surrendring Defendant in Discharge of his Bail.

XXVII. If any Person or Persons, being *Trin. 1 Annæ, 1702.* Bail in this Court for any Defendant in any Action whatever, be impleaded by Action of Debt upon their Recognizance, such Person or Persons shall have leave to render such Defendant into the Custody of the Marshal of this Court in Discharge *Time of rendering Defendant when sued on Recognizance,*

King's Bench. of his Bail, by the space of eight whole Days next after the Return of the *Latitat* or other Process against such Bail (a). And upon Notice thereof given to the Plaintiff, or his Attorney, all further Proceedings against such Bail shall stay.

at any time before the Return of the *Alias Sci. Fac.* and render him in their Discharge, for till then the Bail has not forfeited their Recognizance. *Note*; The Bail may take the Principal on a Sunday and confine him till Monday, and then Surrender him in their Discharge.

The same Term.
Notice of it.

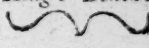
XXVIII. Where any Defendant in any Action here depending shall be rendred into the Custody of the Marshal, in Discharge of his Bail, the Defendant's Attorney shall forthwith give Notice of it to the Plaintiff's Attorney, and make Affidavit thereof before Bail in that Action shall be affiled or discharged, and in Default thereof such rendering shall be void.

Trin. 3 Annæ
1704. per
Cur.
How the *Reddidit se* is to be left, and a Copy delivered.

XXIX. Where any Person shall render himself here in Court, or before one of the Justices of this Court, in Discharge of his Bail, such *Reddidit se* shall be left with the Secondary or Clerk of the Judge before whom such Person was rendred, to be affiled; and a Copy or Note thereof under the Hand of such Judge or Secondary shall be delivered to the Marshal at the time of Commitment, and such Copy or Note shall be made by the Person so rendred or his Attorney. *When surrendred, get a Certificate from the Prison that the Defendant is in Custody, and thereupon the*
Master

Certiorari.

21

Master will discharge the Bail-piece, or till *King's Bench.*
that is discharged the Bail are liable. Vide 
the Notes Title, Escape.

Bailiff. Vide Warrants II.

Bill of Middlesex. Vide Bail IV.
Ejectment I, II.

Bringing in the Body. Vide Re-
turns of Writs III.

Ca. Sa. Vide Writs.

Carts.

I. **C**arts and Drays shall not pass in *Hill. 3 & 4*
King-Street Westminster, between *Jac. 2.*
eight and ten o'Clock in Term-time.

Cepi Corpus. Vide Bail.

Certiorari.

I. **N**O Writ of *Certiorari*, on any Writ *Pas. II Car. I.*
of Error, shall be prosecuted or
made by any Clerk or Attorney, after
any *Certiorari* in the same Cause first pro-
secuted and returned, without Motion by
Counsel in Court.

C 3

Clerks.

King's Bench.

Clerks. Vide Attornies,

Clerks of the Declarations. Vide
Attornies XIII.

Clerk of the Errors. Vide Error III.

Clerk of the Papers. Vide Paper
Books, Pleas VI, VII.Clerk of the Postes, Vide Po-
stes II.Clerk of the Treasury. Vide Er-
ror III.

Commissioners. Vide Bail XXV.

Commitments. Vide Habeas Cor-
pus I, II.

Counsel. Vide Pleas VII.

Custos Brevium. Vide Records I
to III.

Declarations,

Declarations.

Vide *Attornies* XIII. *Bail* XI, XII.
Ejectment I to III. *Escape* I. *Original* IV. *Pleas* III. *Prisoners* I to VII, and XI.

I. **N**O Clerk, Philazer, or Attorney shall deliver any Declaration of this Court to any other Person but to the Clerks Philazers and Attornies of this Court, upon Pain of forfeiting for the first offence 10 s. and for every other 20 s.

Easter 1657.
 Of delivering
 Declarations
 when Defen-
 dant appears.

II. Upon the Appearance of any Attorney for any Defendant, the Plaintiff's Attorney shall not be bound to deliver to the Defendant's Attorney the original Declaration; but instead thereof, shall deliver a true Copy, and upon the Delivery or Tender thereof, the Defendant's Attorney, or other Person acting for him, shall pay to the Plaintiff's Attorney, or other Person acting for him, for such Copy after the Rate of 4 d. per Sheet Copywise, and for the Stamps thereon (a), And on Refusal to pay for the same, the Plaintiff's Attorney may leave it in the Office with the Clerk of the Declarations (b) who shall receive the same without Fee or Reward, and thereupon the Plaintiff's Attorney, giving a Rule to plead may for want of a Plea sign Judgment, and before any Plea shall be received

Trin. 12 W. 3.
 1700.
 Of Paying for
 Declaration on
 Delivery
 thereof.

(a) Vide *Warrants* I.
 Or it may be
 left in the Of-
 fice.
 (b) And give
 Notice there-
 of; vide the
 next Rule.

King's Bench.

(c) This shews
that Judgment
may be signed
for Want of
Taking the
Declaration out of the Office.

ceived the Defendant's Attorney shall pay for a Copy of such Declaration (c) and the Stamps as aforesaid, or the Plaintiff's Attorney may sign Judgment, as if no Plea had been pleaded.

Trin. 2 Geo. 2.

1729.

On Refusal to
pay for Decla-
ration it may
be filed, and
then Notice
must be given.

III. In all Causes where Common or Special Bail shall be filed, and Notice thereof given to the Plaintiff's Attorney, a Copy of the Declaration shall be delivered to the Defendant's Attorney, who shall pay for the same according to the usual Rate; but if the Defendant's Attorney, or his Clerk in his Absence, refuse to pay for such Copy of the Declaration, or if the Place of Abode of the Defendant's Attorney be unknown to the Plaintiff's Attorney, then he may leave such Copy with the Clerk of the Declarations, and forthwith give Notice thereof to the Defendant or his Attorney, (d) and such Declaration shall be deemed well delivered from the Time of such Notice only.

(d) Vide postea
V. for the
Form of the
Notice.

Mic. 10 Geo. 2.

1736.

Of delivering
Declarations
de bene esse.

When the Ac-
tion is not
bailable.

* 12 Geo. 2.

c. 29.

IV. Upon all Proceſs of this Court, returnable the first or second Return of any Term, where no Affidavit is filed of the Cause of Action pursuant to the Statute *; the Plaintiff may deliver the Declaration *de bene esse* at the Return of such Proceſs, with Notice to plead in eight Days after the Delivery thereof; and if the Defendant doth not file com-
mon

mon Bail, and plead within the said eight Days, the Plaintiff having filed common Bail for such Defendant pursuant to the said Statute, may sign Judgment for Want of a Plea, a Rule to plead being duly entred; And upon all Proceſs returnable as aforeſaid, where ſuch Affidavit is filed, the Declaration may be delivered *de bene eſſe* at the Return of ſuch Proceſs, with Notice to plead in four Days after ſuch Delivery, if the Action be laid in *London* or *Middleſex*, and the Defendant lives within twenty Miles of *London*; and in eight Days, if the Action is laid in any other County, or the Defendant lives above twenty Miles from *London*; and if the Defendant puts in Bail, and doth not plead within ſuch Time as is reſpectively before-mentioned, Judgment may be ſigned, a Rule being duly entred.

King's Bench.

Where the Action is bailable.

V. In all Cauſes where a Copy of the Proceſs is ſerved upon any Defendant or Defendants, and an Appearance is entred, or common Bail filed, for ſuch Defendant or Defendants by the Plaintiff's Attorney, the Plaintiff's Attorney in ſuch Caſe ſhall leave a Copy of the Declaration in the Office with the proper Officer, and give Notice thereof to the Defendant or Defendants, by delivering an *Engliſh* Notice written in Secretary Hand, to ſuch Defendant or Defendants, or by leaving the ſame at their laſt or moſt uſual Place of Abode, in which Notice ſhall be likewise expreſſed

Trin. 1 Geo. 2.

1727.

Of filing Declaration when the Plaintiff files Bail; per *Stat. 12 Geo. 1. c. 29.*

Notice of Declaration filed,

King's Bench.

Declaration
well delivered
from such No-
tice. Vide III.

expressed the Nature of the Action, and at whose Suit prosecuted, and the Time limited by the Rules of this Court for such Defendant or Defendants to plead to such Action: And in Case such Defendant or Defendants do not plead to such Declaration by such limited Time, Judgment will be entered against such Defendant or Defendants by Default: And from the Time of giving such Notice, such Declaration shall be deemed well delivered; and if such Defendant or Defendants after such Notice do not plead by the Time the Rules for Pleading are out, the Plaintiff may sign Judgment without further calling for a Plea, and thereon give Notice of executing a Writ of Inquiry, either by Delivering a Notice in Writing to the Defendant or Defendants, or leaving it at their last or most usual Place of Abode.

Mic. 10 Geo. 2.

1736.

Of declaring
by the Bye.
When Plain-
tiff files Bail
per Stat.

(e) If one be
in the Custody
of the Mar-

shal of this Court, at the Suit of *J. S.* or have put in common Bail in this Court to the Action of *J. S.* any other Person may put in a Declaration against him the same Term he was committed in Custody, or did put in Bail as aforesaid. *Note*; In Case of common Bail filed, the Declaration must be filed, *sedente Curia.* 21 *Car. B. R.* For his being in Custody, or his putting in Bail, do suppose him always present in Court to answer any Person, so that it is needless to take

such Plaintiff is or shall be capable of delivering a Declaration by the Bye, against any Defendant, by Reason of common Bail being so as aforesaid filed.

King's Bench.

take out any further Process to bring

him in to Answer; but upon such a Declaration given to him he must plead at his Peril; and such Declaration is good, altho' the Defendant be illegally in Custody.— *Lilly's Abr. Tit. Declarations.*

Note; If Declaration be not delivered or filed either of the Term the Process is returnable, or before the End of the following Term, Non pros' may be signed. No Rule is given to declare.

Time of Filing Declaration, or Non pros' may be signed.

Deeds.

I. **A**LL Deeds acknowledged in Court shall be inrolled amongst the Rolls of the Chief Clerk. And every Person that shall acknowledge any Deeds or Indentures in Court to be inrolled, shall acknowledge them in open Court; and every Deed acknowledged before any Justice out of Court, shall be brought here in Court by the Hand of the said Justice to be inrolled.

Hill. 11 W. 3.

Demurrer.

Demurrer.

Vide Paper Books. Rolls.

Trin. 12 W. 3.
1700.
Of Paying for
Demurrers.

I. **U**PON Pleading any general Demurrer to any Declaration before any special Demurrer, the Plaintiff's Attorney shall and may deliver unto the Defendant's Attorney a Copy of such Demurrer, who shall pay for the same after the Rate of 4 *d.* per Sheet Copywise, and also for the Stamps thereon; and in Case the Defendant's Attorney shall not pay for a Copy of such Demurrer, and the Duty aforesaid, the Plaintiff's Attorney may sign Judgment as if there had been no such Demurrer.

Paf. 18 Car. 2.
Signing them
by Counsel.

II. No Demurrer shall be received by the Clerk of the Papers before it be signed by Counsel.

Paf. 11 W. 3.
Entring them
on Record.

III. If any Defendant demurs to any Plea, Rejoinder or Rebutter by any Defendant, and such Defendant joins in Demurrer, then the Plaintiff's Attorney shall enter of Record such Demurrer; and in Default thereof, upon a Rule by the Secondary given for entering such Demurrer, the Attorney for the Defendant shall enter it on Record.

Hill. 1657.
Delivering
Copies to the
Judges.

IV. None to deliver Copies of Special Verdicts or Demurrers to the Justices of this Court, but the Clerks of the Office, who are to Copy and deliver them, and
to

Distringas Jurator'.

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to examine them, and to be answerable *King's Bench.*
for any Mistake in the same.

Distringas Jurator'.

Vide Trials.

I. ATTORNIES to deliver unto *Easter 1651.*
the Sheriffs of all Counties with- *Time of De-*
in forty Miles of *London*, all old *Distrin-*
gas's within eight Days after the End of *Delivering old*
Hillary and *Trinity* Terms, or they shall *Distringas's to*
not be received: And all Sheriffs shall *the Sheriff.*
cause sufficient Summons to be given un- *And of Sum-*
to all Jurymen, in these old *Distringas's*, *moning the*
a Week before the Assizes at least. *Jury.*

II. No *Alias* or *Pluries Distringas* *Hill. 15 Car. 2.*
Jur', with Tales for Trial at Bar, shall
issue, before the former *Distringas* with a
Panel of the Names of the Jury annexed
is delivered to the Secondary, to the In-
tent that the Issues forfeited by the Jury
for their not appearing upon the prece-
ding Writ may be estreated.

Docquets. Vide Judgments III.

Ejectment.

Ejectment.

Trin. 14 Car. 2.
Of Suing out
Process and
filing Bail.
(a) Before
Judgment
signed, by the
next Rule
which is of
later Date.

Mic. 33 Car. 2.

* Or Bill of
Middlesex, I
suppose, as in
the last Rule.

Trin. 15 Car. 2.
Lilly says,
16 Car. 2.
When the
Tenant is to
deliver a Note
of the Parcels.

Trin. 18 Car. 2.
Rule to plead.

I. IN Ejectment if the Lands lie in *Middlesex*, a Bill of *Middlesex* shall be sued out, and if out of *Middlesex* a *Latitat* against the casual Ejector; and common Bail for such Defendant shall be filed (a) before a Declaration by Bill be delivered to the Tenant in Possession; and in Default thereof Judgment shall be signed against the casual Ejector, or Tenant in Possession.

II. All Attornies that deliver any Declaration in Ejectment shall sue out a *Latitat* * against the casual Ejector, and file common Bail before Judgment be signed against him.

III. In Ejectment where by Rule of Court the Defendant confesses Lease, Entry, and Ouster, for so much of the Premises in the Declaration mentioned as are in the Possession of the said Defendant or his Undertenants; the Attorney for the Defendant shall immediately deliver to the Plaintiff's Attorney a Note in Writing of the Tenements so being in the Possession of the said Defendant or his Undertenants.

IV. A general Rule to answer shall be given with the Clerk of the Rules in every Ejectment, before any Motion shall be made against the casual Ejector.

Error.

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V. After the ordinary Rule to answer in Ejectment, Judgment may be given and entred for the Plaintiff against the Defendant for Want of an Answer, as in other Actions, without special Motion.

King's Bench.

Hill. 1649.

Of Signing Judgment.

Entries. Vide Deeds. Rolls.

Error. Vide Certiorari I. Paper Books. Palace Court I.

Error.

I. **W**RITS of Error upon Judgments in this Court, returnable in the Exchequer-Chamber, were to be allowed with the Clerk of the Errors, within four Days after Notice given to the Plaintiff's Attorney. *But by the following Rule,*

Pas. 16 Car. 2.
Of allowing Writs of Error.

II. All Writs of Error returnable before the Justices of C. B. and Barons de Scaccario, shall forthwith be delivered to the Clerk of the Errors, and no Execution shall be staid until such Writ of Error be so delivered.

Pas. 36 Car. 2.

III. If the Clerk of the Errors refuses to receive any Writ of Error, and do what belongs to his Office thereon, the Clerk of the Treasury may do it for him.

Trin. 20 Car. 1.
Refusal to receive it.

IV. Special Bail (when required) was to be taken within four Days after, allowing a Writ of Error, or in Default thereof,

Pas. 16 Car. 2.
Of taking Bail.

King's Bench. thereof, Execution was to be made. *But afterwards ordered that,*

Pas. 36 Car. 2. V. The Plaintiff in Error shall put in Bail within four Days after the Delivery of the Writ to the Clerk of the Errors, or the Defendant may proceed to Execution.

Mic. 5 W. & M.
Notice of Bail put in.

VI. Every Attorney who shall prosecute any Writ of Error to revoke any Judgment in this Court obtained, wherein special Bail ought to be put in, after putting in such Bail, shall give Notice thereof without Delay to the Defendant in Error, or to his Attorney.

Same Rule
Excepting
against Bail.

VII. And if the said Defendant does not except against such Bail within twenty Days after such Notice, the Bail shall be allowed.

Pas. 33 Car. 2.
Delivering
Copies to the
Judges.

VIII. No Copies of Error and Records thereupon shall be delivered to the Justices of C. B. and Barons *de Scaccario*, before the Attorney for the Plaintiff in Error shall give ten Days Notice thereof to the Clerk of the Errors in *Scaccario*; and the Plaintiff's Attorney shall deliver four Copies to the Justices of C. B. and the Defendant's Attorney four to the Barons *de Scaccario*, four Days before the Hearing of the Cause. Vide *Paper Books*.

Escape.

Vide Prisoners XII, XV, XXII.

I. **W**HERE any Defendant being in the Custody of the Marshal of this Court upon mesne Process, shall be taken and detained in the Custody of any Sheriff by Virtue of a Judge's Warrant for an Escape from the Custody of the Marshal aforesaid; the Plaintiff in such Action shall declare against such Defendant in the Custody of such Sheriff, before the End of the second Term after being so taken and detained, otherwise a *Superfedeas* shall be made for the said Defendant.

Trin. 6 Anna.

Time for Declaring after Escape.

Note; If a Prisoner Escapes before he has been two Days in the Custody of

the Marshal upon a *Capias ad Satisfaciendum*, and the Bail are not liable; but otherwise if the

Ca. Sa. is not returned. *Mich. 3 Ann. B. R.*

Exception. Vide Bail XVIII, XXVI.
Error VII. Paper Books I.

Executions. Vide Error IV, V. Prisoners IX, XI. Writs.

Executors. Vide Ac etiam I.

D

Fees.

Forma Pauperis.

Fees. Vide Attornies XII. Bail XIV. Habeas Corpus VII. Money brought into Court I. Prisoners VIII, XXI, XXII, XXXVI, XLVI. Record VI. Rolls IV. Writs VI, VII.

Filazers.

Vide Original.

- Mic. 15 Car. 1.* I. **A**LL Filazers are to attend the Court by the second Return of every Term, or forfeit their Offices.
- Hill 30 Car. 2.* II. The Master was to examine what Writs the Filazer ought to sign. Vide *the Rule made the then next Hillary-Term under Title Original.*

Fines.

- Hill. 6 W. & M.* I. **A**LL Fines due to the King and Queen in this Court, for or upon all Actions for Debt or Damages in this Court, shall be received and collected as heretofore.

Forma Pauperis.

- Hill. 3 & 4 Jac. 2.* I. **N**ONE shall be admitted in *Forma Pauperis* out of Court. Note; A Pauper may now be admitted out of Court, by making Affidavit of his not being worth $\text{£}1$. and annexing it to a Petition to the Chief Justice, with Counsel's Opinion.

Gaolers.

Habeas Corpus.

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King's Bench.

Gaolers. Vide Prisoners.

Habeas Corpus.

Vide Prisoners VIII, XVI.

I. **W**HERE any Person shall be brought by *Habeas Corpus* here in Court, or before one of the Judges (a), in Order to be committed to the Custody of the Marshal of this Court, such Writ of *Habeas Corpus*, with the Return thereof, shall be left with the Secondary of this Court, or the Clerk of the Judge before whom such Person shall be brought, to be affiled; and a Copy or Note of such Return, under the Hand of such Judge or Secondary, shall be delivered to the Marshal at the Time of Commitment; and such Copy or Note shall be made by the Person so prosecuted upon such *Habeas Corpus*, or by his Attorney.

Trin. 3 Annæ.
Of Commitment.

Mr. Hawley of the King's Bench Office signs the *Habeas Corpus*, you pay him 6 s. 8 d. in Term, and 7 s. 8 d. in the Vacation, and for Sealing it you pay 7 d. When your *Habeas* is directed to the Sheriff, you lodge it with him, and pay

him, when the Defendant is only charged with one Action, for allowing the Writ 4 s. 8 d. Return 2 s. 4 d. Bailiff's Warrant to take Defendant before a Judge 2 s. 4 d. And if the Defendant be a Prisoner in *Newgate* 2 s. 4 d. more for the Keeper's Warrant to deliver him to the Bailiff.

(a) When the *Habeas Corpus* is return'd, and the Bailiff brings the Defendant to the Judge's Chambers to be committed to the *King's Bench* Prison, you pay 10 s. to the Bailiff for bringing up the Defendant, 6 s. 8 d. to the Judge's Clerk, and 6 s. 8 d. to the Tipstaff.

King's Bench.

*Hill. 5 W.
& M.*

Of Habeas
Corpus from
another Court.

Hill. 2 Jac. 2.
Where Bail is
required.

The Bail are
liable to all
the Actions
mentioned in
the Return of
the Habeas
Corpus, where-
in he is de-
clared against within two Terms after.

*In the Rules
for taking
Bails before
Commissioners,
Q. The Date.*
Form of Bail-
piece and tak-
ing Bail.
Vide Title
Bail for the
Form at large;
this Part of
the Rule only
shews the Va-
riation.

II. Prisoners committed into the Custody of the Marshal upon a *Habeas Corpus ad respondend' vel ad faciend' & recipiend'*, shall remain for two Days next after such Commitment, notwithstanding any such other *Habeas Corpus* from another Court delivered to the said Marshal.

III. Every Defendant not being an Executor or Administrator, who shall prosecute any *Habeas Corpus* to remove any Suit out of any inferior Court, shall put in special Bail in all Actions (except for scandalous Words and small Assaults,) unless one of the Justices of this Court shall otherwise Order.

IV. If any Bail be given upon any Action removed out of any inferior Court by *Habeas Corpus*, and returnable in this Court; then instead of Writing (*in the Bail-piece*) upon a *Cepi Corpus*, say upon a Writ of *Habeas Corpus*, and instead of Writing the Plaintiff's Name, write *at the Suit of the Plaintiff in the Plaint*; and the Cognisors must undertake, that if the Defendant be condemned at the Suit of the Plaintiff or Plaintiffs in the Plaint, that he shall satisfy the Costs and Condemnation, or render his Body, &c. *As upon a Cepi Corpus.*

V. No

Habeas Corpus.

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V. No Bail to be put in on any *Habeas Corpus* until the *Habeas Corpus* and Causes for which Bail is to be put in be returned; to the End that it may appear what the Causes are for which the Defendant is detained, and Bails duly taken, and the *Habeas Corpus* and Bail duly filed. *And afterwards ordered, that,*

VI. No Bail shall be put in on a *Habeas Corpus*, before the Writ be returned; and no Bail shall be taken by any Justice of this Court, unless the Writ with the Return thereof be brought before the said Justices, to be filed at the Time of putting it in.

Defendant puts in Bail within four Days after Notice of it, if in Term, and Six in the Vacation. It is said there is no Need of giving Notice of putting in Bail on *Habeas Corpus*: *Sed Q.*

VII. Attornies at the Time of putting in Bail upon a *Habeas Corpus*, shall deposit in the Judge's Clerk's Hands 4 s. and 10 d. for filing it. *Vide Title Bail.*

VIII. Every Attorney who shall put in special Bail before a Judge *de bene esse* upon a *Habeas Corpus*, if the Plaintiff does not except against the Bail within twenty-eight Days after the putting it in, then such Bail shall be filed by the Defendant's Attorney within four Days next after the End of the said twenty-eight Days. *But where the Plaintiff does except against such Bail, the Plaintiff may have a Rule for a*

King's Bench.

Mic. 1651.

The like

Pas. 29 Car. 2.

To be return'd before Bail filed.

Hill. 10 W. 3.

Note; At the Return of the *Habeas Corpus*, the Plaintiffs may have a Rule for a

Procedendo, unless the De-

giving Notice

Pas. 29 Car. 2.
Fee for filing Bail.

Mic. 16 Car. 2.
Of excepting against Bail.

When to file it, if not excepted against.

King's Bench. four Days after the Service of such Rule, whether it be in Term or Vacation.

Note; If the Cause is removed here by *Habeas Corpus*, the Plaintiff must begin *de novo*, and declare against the Defendant as *in Custod. Marecalli*, for the Record is not removed by the *Habeas Corpus* as it is on a *Certiorari*. *Salk. 352.*

The Plaintiff must declare in two Terms after the Return, or the Defendant needs not plead.

Where Defendant removes his Cause, he cannot *Non pros* the Plaintiff for Want of a Declaration.

2. If the Defendant must plead within the Times limited in Proceedings on *Capi Corpus*.

Impar lance.

Prisoners III, IV. Pleas I to III.

Pas. 5 Annæ,
1706.
Special Im-
par lance.

Hill. 2 Geo. 2.
Impar lance
when on spe-
cial Proceſs.

I. NO special Impar lance shall be allowed any Defendant without Leave of the Court.

II. Where the Cause of Action is specially set forth in the Proceſs, and the Plaintiff thereupon declares, the Defendant shall not imparl, without Leave of the Court.

Incipiturs. Vide Record of Miſ-
prius I. Rolls IV, V.

Inns of Court and Chancery. Vide
Attornies I to VI.

Inquiry,

Issues. Judgments.

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Inquiry. Vide Declarations V. No. *King's Bench.*
tices II.

Issues.

Vide Record of *Nisi prius* II, III.
Rolls II to IV. Trials I, II.

I. **U**PON Pleading any General Issue, *Trin. 12 W. 3.*
or general Demurrer to any De- 1700.
claration, before any special Demurrer or
special Plea pleaded; the Plaintiff's At-
torney shall and may deliver unto the
Defendant's Attorney a Copy of Issue or
Demurrer, who shall pay for the same
after the Rate of 4 *d.* per Sheet Copy-
wise, and also for the Stamps thereon,
and in Default of such Payment, the
Plaintiff's Attorney may sign Judgment
as if no Plea or Demurrer had been gi-
ven or pleaded. Of paying for
them.

Judgments.

Vide Ejectments V. Pleas I to IV.
Prisoners XI. Rolls V. War-
rants II.

I. **P**RActicers are to take Notice, that
for the Future no Distinction as to
the Time of signing Judgments, will be
made betwixt Town and Country Causes:
But that in all Cases, the Plaintiff is at
D 4
Li-
Notice fix'd
up in the
King's Bench
Office, Feb. 25.
1728.
When Judg-
ment may be
signed.

King's Bench. Liberty to sign his Judgment the Day after the Rules for Pleading are out; Declaration having been regularly delivered or filed, and the Defendant, or his Agent being called upon for a Plea, according to the Rules and Course of the Court.

Note; The Judgment, or an *Incipitur* thereof, must be entred on the Roll before Judgment signed. Vide *Bolls V.*

Trin. 12 W. 3.

1700.

For what Judgment may be signed.

Pas. 17 Jac. 1.
Docquet.

II. Judgment may be signed for not paying for Declaration, General Issues, or General Demurrers. Vide *Declaration II. and Issues.*

III. In every Judgment where the Debt or Damages amount to 20*l.* or upwards, a Note of the Plaintiff's and Defendant's Name, and the Debt or Damages recovered, with the Term and N^o of the Roll, shall be made by the Attorney, in this Form:

A. B. at the Suit of C. D.

Debt 20*l.*

Easter 17. Roll 302.

A. J. and B. R. at the Suit of N. S.

Damages 23*l.* 13*s.* 4*d.*

Hillary 15. Roll 100.

Which Note shall be brought to the proper Officer to be entred in a Book for that Purpose.

Easter 1657.

IV. The Defendants Names in all Judgments, that shall be entred in this Court shall be entred in a Remembrance, or Docket alphabetically, for the better finding them out,

Jury.

Jury.

Vide *Distring' Jurator', Centre
Faciās.*

I. **U**PON any Reference to the Secondary, to return any Jury, or Name forty-eight sufficient Jury for Trial at Bar, in the Presence of the Attornies on both Sides, if either Attorney does not appear before the said Secondary, at the Time by him appointed for naming the Jury aforesaid, or to strike out twelve on either Part; in such Case the Secondary may do the same in the Absence of such Attorney, and the said Jury shall be returned by the Sheriff to try the Issue. *Trin. 8 W. 3.
Of Striking
special Jury.*

II. On old *Distringas's*, Sheriffs shall cause sufficient Summons to be given to all Jurymen, a Week before the Assizes at least. *Easter 1651.
Summoning
Jury.*

Keepers of Gaols. Vide Prisoners.

Keeper of the Seal. Vide Writs.

Latitat. Vide Bails IV. Ejectment
I, II. Writs.

Marshal.

Marshal. Vide Prisoners.

Master. Vide Attornies XI, XII. Jury I.

Money brought into Court.

Paf. 5 Jac. 1. I. **T**HE Party bringing Money into Court (a) shall pay to the Secondary for keeping the same (b) 20 s. for every 100 l. and after that Rate for a greater or lesser Sum. If under 10 l. to be paid 2 s. Motion should

be made before the Defendant has pleaded; for the Rule is, That the Defendant shall have Leave to bring so much Money into Court, and thereupon, unless the Plaintiff accepts it with Costs to be taxed in Discharge of the Suit, the Sum so paid into Court shall be struck out of the Declaration, and paid out of Court to Plaintiff or his Attorney; and upon Trial, the Plaintiff not to be permitted to give Evidence for such Sum.

(b) To the Signer of the *Latitats* for the Secondary.

Note; The Plaintiff's Attorney must be served with a Copy of the above-mentioned Rule, and at the same Time deliver him the General Issue. And if he accepts of the Money in full Discharge, you pay him Costs to the Time he pays it: But if he will not accept of it in full Discharge, he may take the Money out of Court in Part of his Demand, and proceed in his Action; but if on the Trial he has not a Verdict for more than what was paid into Court, he will be nonsuited and must pay Costs to the Defendant.

Motions.

Motions.

Vide *Attornies IX. Imparlance I.*

I. **I**F a Motion be made in the Presence *Hill. 3 Jac. 1.* of Counsel on both Sides, and the Court makes a Rule therein; the Court may not be moved again contrary to such Rule, on Pain of an Attachment against him who procures such Motion. And the Counsel who so moveth, having had Notice of the first Rule, not to be heard in any Cause in Court that Term.

Ne recipiatur. Vide *Trials III, IV.*

Non Pros. Vide *Declaration VI.*

Notices.

Notice of Bail. Vide *Titles Bail VII, Bail.*

XIII. Error VI.

— *Of Surrender.* Vide *Bail XXVIII. Prisoners.*

— *Of Discharge.* Vide *Prisoners XI.*

— *Of Declaration.* Vide *Declara- Declaration.*
tion V.

— *Of Inquiry* *. Vide *Declaration V. Inquiry.*

* The Defendant must have eight Days Notice of executing a Writ of Inquiry.

Due

*King's Bench.**Mich. 1651.**Trial.*

(a) Notice of Trial is not good before Issue joined; but it is good

on the Delivery of the Issue.

(b) If a Cause has continued four Terms after Issue joined, a Term's Notice of Trial must be given.

(c) If the Cause has not been four Terms after joining Issue, only eight Days Notice needs to be given for Trial, at any Assizes in *England*.

(d) The Defendant ought to have eight Days Notice of Trial in *London* and *Middlesex*, exclusive of the Day that Notice is given, if he lives within forty Miles from thence; but if forty Miles, or above, he ought to have fourteen Days exclusive: And if due Notice be not given, the Court, on Motion, will grant a new Trial. 2 *Lilly* 242. And if Notice of Trial be given in *London* or *Middlesex*, and not tried that Sitting, the Plaintiff may try it the next Sitting, upon two Days Notice; but if not tried at the next Sitting, then new Notice is to be given as at first, viz. Eight Days; per *Magistrum Livesay & al. Pas. 21 Car. 2. 2 Lilly* 236. And if one gives Notice of Trial to the Defendant, and doth not try his Cause at the Day appointed but defers it longer than one Term after, he must give a Term's Notice before his Trial; but if he tries it the next Term after, there needs no new Notice; for if the Plaintiff tries it not, then the Defendant may try it by Proviso. *Trin. 1652. B. S. 2 Lilly* 240.

N. B. For Notice of Trial after a Ne recipiatur entred, vide *Trials* IV.

Hill. 8 Geo. 1.
Where Notice of Trial shall serve for Inquiry.

II. Where the Plaintiff concludes to the Country upon the Defendant's Plea, and gives Notice of Trial upon the Paper Book, and thereupon the Defendant, to hinder the Trial of the Issue, demurs upon the Replication, and the Plaintiff joins in Demurrer, and obtains Judgment; the

Original.

45

the Defendant's Attorney shall be obliged *King's Bench.*
to accept of Notice of executing the Writ
of Inquiry, from the Time of giving
such Notice of Trial upon the Paper
Book.

Note; The Court on Motion will allow Costs for not executing a
Writ of Inquiry according to Notice, in like Manner as for not going
to Trial. *Trin. 1721. B. R.*

Orders. Vide Rules.

Original.

I. **A**LL Originals, which ought to be *Hill. 31 Car. 2.*
signed by the Filazer, shall be *Signing and*
signed before they shall be sealed. *Sealing.*

II. All Writs and Procefs's whatsoever *Easter*
upon original Writs issuing before Ap- *31 Car. 2.*
pearance, ought to be signed by the Fi-
lazer.

III. In all Causes by Original, where *Paf. 2 Geo. 2.*
special Bail is put in, if the Plaintiff will *Bail.*
except against it, such Exception shall be
entred in the Filazer's Book, and Notice
forthwith be given to the Defendant's At-
torney, as required in Causes by Bill.

IV. No Filazer, Clerk or Attorney *Hill. 8 Car. 1.*
shall enter, deliver, or receive, any De- *Declaration.*
claration varying in Matter from the ori-
ginal Writ, without a special Rule of
Court, or enter or receive more than one
Declaration on one Original. Filazers
offending

King's Bench.

offending to lose their Office, and be expelled the Court, and likewise Expulsion to every Clerk or Attorney so offending.

Palace Court.

Paf. 9 Car. 1.

I. **T**HE several Records of Judgments, affiled in Court, upon Writs of Error, which are not entred of Record, shall be amended in the Stile of the Court, and made. Of the Court of the King's Palace at *Westminster* held at *Southwark* in the County of *Surrey* within the Jurisdiction of this Court on *Friday*, to wit, *such a Day* in the *eighth* Year of the Reign of our Lord *Charles*, by the Grace of God of * *England, Scotland, France and Ireland*, King, Defender of the Faith, &c. before *T. E. Knt. Treasurer* of the Household of our Lord the King, *E. V. Knt. Marshal* of the Household aforesaid, and *E. H. Esq;* Steward of the said Court, Judges of that Court by Virtue of Letters Patent of the said Lord the now King, bearing Date at *Canterbury* the *12th* Day of *July* in the *6th* Year of his Reign.

* Now Great
Britain.

Paper Books.

Vide Demurrer. Error VIII. Notices II.

I. **U**PON reading any Record in Court upon Demurrers, special Verdicts, or Writs of Error, and thereupon a Day is given to hear Counsel on both Sides, Books shall be delivered by the Attorney of either Party to the Judges of this Court, four Days before the Day so appointed, and the Exceptions which are insisted on upon Argument to be marked in the Margin of the Books.

Pas. 2 Jac. 2.
Of Delivering
them to the
Judges.

Exceptions.

II. All Causes remaining undetermined in any Term, which ought to be entred in the Court-Book kept by the Clerk of the Papers, to be so entred within seven Days after the End of that Term to be heard the next Term following if any of the Parties intend then to proceed, to the End that the Clerk of the Papers in convenient Time may deliver to every Judge a Paper of the said Causes, otherwise the said Causes not to be received to be entred into the said Book without Motion. *This Rule is not regarded now.*

Easter 1658.
Entring
Causes in the
Court Book,

And

Delivering a
Paper thereof
to the Judges.

III. In all Causes in the Paper, where Books ought to be delivered to the Judges, the Plaintiff or his Attorney shall give them to the Chief Justice and Senior Justices,

Mic. 17 Car. 1.
Who shall de-
liver Copies of
Books to the
respective
Judges.

King's Bench. Justices, and the Defendant or his Attorney to the other Judges; and if one of the Parties neglects, it shall be done by the other, at the Cost of the Party that neglects, before any Argument shall be

* Where one made at Bar. *

of the Parties

delivers all the Books on the other's neglecting to deliver any pursuant to this Rule, such Party neglecting will not be heard when the Cause comes on to be argued.

N. B. In order to make up the Paper Book, carry the Declaration to the Clerk of the Papers with whom the Plea is filed, and he will make up the Paper Book, and give a Rule in the Margin thereof, that if the Defendant do not receive the Paper Book and return it to be entered in four Days, a *Non Pros* will be entered. You pay the Clerk of the Papers 10 *d.* a Sheet, besides Stamps.

For Expedition-sake you may get a Copy of the Plea, and make it up your self, and let the Clerk of the Papers peruse it and give the aforesaid Rule.

Paupers. Vide *Forma Pauperis*:

Pleas.

Vide *Prisoners* II to V.

Mic. 5 Anna. I. **O**N Proceſs returnable *tres Paſ.* or Time formerly allowed for Pleading on general Proceſs by Bill. *Menf. Mic.* where the Defendant filed Bail, and the Plaintiff declared in *London* and *Middleſex*, then if the Declaration was delivered or left in the Office before the Effoin-Day of *Menf. Paſ.* in *Eaſter-Term*, and before the Effoin-Day of *Craſt. Animar.* in *Micb. Term*, the Defendant was to plead to Iſſue of the Term of Declaring four Days before the Effoin-Day of the next Term, or Judgment

might be entred by Default, or if the Declaration was not so delivered, or filed, then the Defendant *was* to have an Impar lance 'till the next Term. *But this Practice is altered, ut Postea* III.

II. Where any Defendant shall be arrested by Process wherein the Cause of Action shall be specially set forth, and * exprefs'd, or where a Copy of such Process is served on such Defendant according to the Statute, and the Plaintiff thereupon declares, then the Defendant shall not imparl without Leave of the Court, but shall plead thereto within the Time by the Custom of the Court allowed upon original Writs, or Judgment may be entred by Default.

III. Upon (*) all Processes returnable the first or second Return of any Term, if the Plaintiff declares in *London* or *Middlesex*, and the Defendant lives within twenty Miles of *London*, the Declaration shall be delivered with Notice to plead within four Days after the Delivery thereof, and the Defendant shall plead within the said four Days without any Impar lance; and if the Plaintiff declares in any other County, or the Defendant lives above twenty Miles from *London*, the Declaration shall be delivered with Notice to plead within eight Days after the Delivery thereof, and the Defendant shall plead within the said eight Days without an Impar lance, or Judgment may be

E

signed

King's Bench.

Hill. 2 Geo. 2.

When to plead on special Process.

* Vide *Actiam* II. for the Manner of inserting the Cause of Action specially.

Trin. 5 & 6

Geo. 2. 1732.

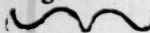
General Rule for the Time of Pleading.

In *London* and *Middlesex*.

In other Counties.

(*) Q. If this Rule extends to special Process, as mentioned in the last Rule.

King's Bench.



Mic. 10 Geo. 2.

1736.

When to plead
when Decla-
ration is deli-
vered *de bene*
esse, and no
Affidavit of
Debt filed.

signed by Default. *And by the next (a later) Rule,*

IV. Upon all Proceſs returnable the 1st or 2d Return of any Term, where no Affidavit is filed of the Cause of Action, the Declaration may be delivered *de bene esse* at the Return of the Proceſs, with Notice to plead in eight Days after the Delivery thereof; and if the Defendant does not file common Bail, and plead within the said eight Days, the Plaintiff may sign Judgment for Want of a Plea, a Rule being duly entred. And upon all Proceſs returnable as aforesaid, where such Affidavit is filed, Declaration may be delivered *de bene esse* at the Return of the Proceſs with Notice to plead within four Days after the Delivery, if the Action be laid in *London* or *Middlesex*, and the Defendant lives within twenty Miles of *London*; and in eight Days, if the Action is laid in any other County, or the Defendant lives above twenty Miles from *London*; and if the Defendant puts in Bail, and does not plead within such Time as is respectively above-mentioned, Judgment may be signed, a Rule being duly entred.

Abatement.

Note; *Where Declaration is delivered before the Effoin-Day of the Term, Defendant hath four Days in that Term to plead in Abatement, without an Imparlance.*

V. Only

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King's Bench.

Trin. 1 *Geo.* 2.

1727.

Time from
giving Rule.

Trin. 2 Fac. 1.

Trin. 16 Car. 2.

Mic. 2 W.

E. M.

Special Pleas
to be left with
or signed by
the Clerk of
the Papers.

Pluries. Vide Writs.

E 2

Dofteas.

Only

Posteas.

Hill. 1657.
To whom de-
liver'd.

Note; After
Trial in Lon-
don or Middle-
sex, the As-

sociate delivers Record to the Attorney with the *Disfringas* and Panel annexed; on the Back of the Panel he writes the Substance of the Verdict, and the Costs given by the Jury, and the Attorney indorses the *Postea* himself on the Back of the Record. But when the Cause is tried at the Assizes, the Associate keeps the Record and *Disfringas* till next Term, and in the *Interim* indorses the *Postea*, for which he is always paid at the Assizes, but sometimes when of extraordinary Length he is paid something more when it is fetched from him.

Trin. 2 Jac. 1.
Of Marking
them.

(a) Mr. Had-
dock in the
King's Bench
Office, for
which pay
him 4 d.

II. Every Attorney and Clerk, who receives any *Postea* from the Clerk of the Assizes or other Officer for returning *Posteas*, shall get it marked by the Clerk of the *Posteas* (a) within two Days after he receives it. Penalty for 1st Offence 10 s. 2d 20 s. 3d Expulsion.

Note; After it is marked, if the Plaintiff had a Verdict, give a Rule for final Judgment with the Clerk of the Rules for which pay 1 s. 4 d. which Rule will be out in four Days, if *Sunday* do not intervene. Then four Days are allowed for your Defendant to move in Arrest of Judgment; but if he does not move in that Time, you may Stamp the *Postea* with a double Half-Crown Stamp, and then sign final Judgment, and tax the Costs with the Master, and sue out Execution, or may bring a new Action on the Judgment recovered. But if the Plaintiff be nonsuited, there needs no Rule for final Judgment.

Prisoners.

Prisoners.

Vide Arrests I. Bail XXVII to
XXIX. Escape I. Habeas Cor-
pus.

Proceedings against them.

I. *First*, **N**O Copy of any Declaration *Paf. 5 W.*
is to be delivered to a Pri- *et M.*
soner in Custody (*a*) before the Day of *Declaration.*
the Return of the Process, upon which (*a*) Declara-
the Defendant was taken or charged in tion is gene-
Custody. rally deliver-
ed to the
Gaoler or

Turnkey. There must be one Copy on Double-penny stamp'd Parch-
ment to file, and two other Copies on Double-penny stamp'd Paper,
one to deliver, and another to annex to the Affidavit hereafter men-
tioned.

II. *Secondly*, No Rule is to be given *Affidavit of*
for the Defendant in Custody to appear, *delivering De-*
and plead, to any Declaration against *claration, and*
him, 'till an Affidavit be filed with the *Rule to plead.*
Clerk of the Rules, of the Delivery of such
Declaration, and the Time when, and to
whom delivered, (*b*) and that the Defen- (*b*) To be de-
dant was arrested or charged in Custody, livered to the
by Process of this Court returnable be- Keeper,
fore the Delivery of such Copy (*c*); and Gaoler or
the Time when such Affidavit was filed, Turnkey.
(*c*) Likewise
'tis necessary

to say, that the Turnkey or Gaoler acknowledged that the Defendant
was then a Prisoner in the said Gaol.

King's Bench.

to be entred upon the said Affidavit by the Clerk of the Rules, and a Copy of such Affidavit to be produced to the Prothonotary or Secondary before signing Judgment (d).

(d) Make a Copy of the

Affidavit on a double Six-penny Stamp, And of the Declaration on a double Penny Stamp, annex them together, and then file the original Affidavit with the Clerk of the Rules, and take the Copy with the Declaration annex'd to the Master, and he will give a Rule thereon for the Defendant to appear and plead, and the Clerk of the Rules enters it in his Paper, and in Default thereof Judgment may be signed.

But *note*; If the Defendant is in the Custody of the Marshal of the King's Bench, no such Affidavit as above is requisite, but you may give a Rule to plead of Course with the Clerk of the Rules.

Process returnable the first of *Easter* or *Michaelmas*, and Declaration delivered before the 3^d Return of them Terms. When to appear,

And have an Imparlance,

And plead.

III. *Thirdly*, Upon every Arrest by mesne Process returnable the first Day of *Easter* or *Michaelmas* Term, if a Copy of the Declaration be delivered before *Mens' Pas'* or *Craft' Animar'*, and Affidavit thereof made and filed, and the Defendant does not appear before the End of ten Days after *Easter* or *Michaelmas* Term respectively, Judgment may be entred against him, if Rules have been given; but if he doth appear before the End of ten Days after the Term, he shall imparl 'till the next Term; unless the Action be in *London* or *Middlesex*, and the Defendant be in Prison within forty Miles of *London* or *Westminster*; then tho' he doth appear before the Expiration of ten Days after the End of the Term, he shall plead two Days before the

the Effoin-Day of the next Term; and *King's Bench.*
in Default thereof Rules have been given,
Judgment may be entred against him as
aforesaid.

IV. *Fourthly*, If a Copy of the Decla- Declaration
ration be delivered on or after *Mens'* delivered on
Pas' in *Easter* Term, or *Craft' Animar'* in or after the
Michaelmas Term, or in *Hillary* or *Trinity* 3d Return of
Term, and thereupon the Plaintiff gives *Easter* or *Michaelmas*, or
Rules to appear and answer; then, if the any Time in
Defendant appears two Days before the *Hillary* or
Effoin-Day of the next Term, he shall *Trinity*.
imparl until the said next Term: But if Rule to plead,
he does not appear within that Term, Imparlance.
Judgment may be given against him.

V. *Fifthly*, If a Writ be returnable in Process re-
any Term, and a Copy of the Declara- turnable of
tion has been delivered before the Effoin- any Term,
Day of the next Term, the Plaintiff in and Declara-
such next Term may give Rules to appear tion delivered
and answer; and if the Defendant does before the
not appear and plead upon the Expiration Effoin-Day of
of the Rules, Judgment shall be given the next.
against him. When to
plead.

VI. *Sixthly*, If the Declaration be not In what Time
filed before the End of the next Term the Plaintiff
after the Writ or Process (by which the must declare,
Prisoner was taken or charged in Custody) is returnable, and an Affidavit made
and filed in Manner aforesaid, before the
End of twenty Days next after such
Term, the Prisoner shall be discharged or Defendant
by common Bail, signed by one of the may be dis-
Justices of this Court. charged.
Vide XI.

King's Bench.

Gaoler to deliver Declaration to Prisoner as soon as he receives it.

VII. *Seventhly*, If any Gaoler or Keeper of a Prison, having received a Copy of a Declaration against any Prisoner in his Custody, shall suppress the same, and not deliver it forthwith to such Prisoner, an Attachment shall be issued against him.

Note; For the Manner of charging a Prisoner in Execution, *vide postea* XI. in the Notes.

Of Discharging Prisoners.

Hill. 14 Car. 1.
When removed from the Fleet.

VIII. Every Prisoner removed by Habeas Corpus from the Fleet to the King's Bench, shall remain in the King's Bench 'till the Fees of the Fleet are paid.

Trin. 9 W. 3.
For not being charged in Execution.

IX. If any Defendant being actually in Custody of the Marshal, be not charged in Execution before the End of the 2d Term after Judgment, (no Writ of Error being depending,) then common Bail shall be filed for such Defendant, upon Notice thereof to the Attorney for the Plaintiff first given.

Vide XI.

Pas. 16 Car. 2.
For not Proceeding in due Time.

X. By this Rule Attornies who should discharge any Prisoner for Default of Proceeding within three Terms, (not particularly mentioning the Time of Declaring or Proceeding to Judgment and Execution, as in the next Rule) should give Notice to the Plaintiff or his Attorney to appear before a Judge to shew cause why the Defendant should not be discharged before a

Judge's Summons,

Warrant

Warrant from the Judge *should* be procured; and if the Plaintiff's Attorney *did* not appear, then upon Affidavit of Notice the Prisoner *should* be discharged.

King's Bench.
And Order.

XI. If any Defendant be committed into the Custody of the Marshal of this Court, or shall be charged in his Custody, or shall be arrested or committed by Process of this Court into the Custody of any Sheriff, or other Officer, at the Suit of any Plaintiff, and shall remain in Custody two Terms, and the Plaintiff does not declare against him within that Time; such Defendant after the End of the second Term after such Imprisonment (a) shall be discharged out of Prison, upon filing common Bail, signed by one of the Justices of this Court, without giving Notice to the Plaintiff or his Attorney. And if such Plaintiff declares against such Defendant and does not proceed to Trial or Judgment within three Terms after such Declaration delivered; or if the Plaintiff shall obtain Judgment against such Defendant, and does not charge him in Execution (b) within two Terms

Trin. 2 Geo. 1.
Of discharging Defendant.
For not declaring, proceeding to Trial, Judgment, or Execution in due Time.
Vide IX.

(a) The Term wherein the Writ is returnable is accounted one.
In order to discharge Defendant for not declaring in due Time, get a Certificate from the Gaoler of the County Gaol, or Clerk of

the Paper of the *King's Bench* Prison, of the Causes he stands charged with, &c. and another Certificate from the Clerk of the Declarations, that no Declaration is filed, which carry to the Judge to obtain an Order for a *Superfedeas*.

(b) To charge the Defendant in Custody of the Marshal, draw up a Rule with the Clerk of the Rules, serve the Marshal with a Copy, and he writes at the Bottom of the Rule his Acknowledgment, then enter the *Committitur* in the Marshal's Book with
Mr.

King's Bench. Terms after Judgment obtained, such Defendant shall have Leave to file common Bail, or have a *Superfedeas* (c), to be granted by one of the Justices of this Court, if cause be not shewn to the contrary by the Plaintiff or his Attorney, on Notice given to either of them, by the Defendant. And Oath thereof to be made if the Plaintiff does not appear to shew Cause as aforesaid.

Mr. Lantrow, and file it with *Mr. Hawley.* If you charge him in the Custody of the Marshal in the Vacation, you make an Entry in the Marshal's Book in the same Manner as you see others therein entred, and in the ensuing Term you must declare against him.

(c) If the Defendant be a Prisoner in the *King's Bench* Prison, the Clerk of the Bail's Certificate will discharge the Defendant the same as a Writ of *Superfedeas* in other Gaols.

Mic. 28 Car. 2. XII. The Marshal shall suffer none in Custody, detained in Prison, or within the Rules, to go out of Prison or Rules, without a special Rule of Court.

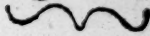
Rules for the better Government of the King's Bench Prison.

Mic. 3 Geo. 2. XIII. The following Rules made pursuant to the Statute 2 *Geo. 2.* "For the Relief of Debtors with Respect to the Imprisonment of their Persons," to be strictly observed by the Marshal and his Officers, and all the Prisoners, and this and the following Rules to be fixed in the most publick Place in the aforesaid Prison for the Inspection of the said Prisoners.

Relating

Prisoners.

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King's Bench.


Relating to the Marshal.

XIV. 1. The Marshal to cause a Pair *Misbehaviour.*
of Stocks to be kept up in the Prison for
the Punishment of such as Blaspheme the
Name of God, swear, or misbehave
themselves.

XV. 2. The Marshal shall not use any *Strict Confinement.*
illegal Means of Confinement of any Pri-
soner on any Pretence; not to confine
any in the Hole or Strong-room, or other
unusual Place of Restraint; nor use any
other extraordinary Means of Confinement,
unless such Prisoner has been
found actually attempting to break the
Prison with an Intent to escape; and if *Escape.*
so confined may appeal to Court in
Term, or to a Judge in the Vacation,
for Redress.

XVI. 3. The Marshal not to sue, or *Habeas Cor-*
procure to be sued out, any *Habeas Cor-*
pus to remove any Person from the *King's*
Bench Prison to the *Fleet*.

XVII. 4. The Marshal not to turn any *Removal from*
Prisoner back from the common Side to *the common*
the Master's Side, without reasonable *to the Master's*
Cause, giving such Prisoner three Days *Side.*
Notice of his Intention to remove him,
during which Time the Prisoner may ap-
peal to a Judge to prevent the same:
And pending which Appeal the Prisoner
to be allowed his daily Subsistence as be-
fore; and his Share of the Dividends,
and

King's Bench. and other Advantages to be reserved 'till it be determined.

Death of Prisoners. XVIII. 5. If any Prisoner die in the said Prison, the Marshal forthwith to give Notice to the Coroner that he may inquire how such Prisoner came by his Death.

Garnish. XIX. 6. The Marshal to take care that no Garnish, or other Exaction be extorted from any of his Prisoners, and that none be deprived of his Share, Dues and Dividends, on any Pretence.

Provisions. XX. 7. The Marshal to take care that the Prisoners may have any Beer, Ale, Victuals or other necessary Food, from what Place they please, and have and use such Bedding, Linen, and other Things as they think fit, without purloining or detaining the same, or inforcing them to pay for the using them, or put any Restraint upon them in Relation thereto.

Table of Fees, Gifts, &c. XXI. 8. The Marshal to cause a Table of the Fees settled according to the aforefaid Statute, these Rules, and a List of all Gifts and Legacies to be hung up in some publick Place in the said Prison to be resorted to by the Prisoners, without Fee or Reward.

Escapes. XXII. 9. The Marshal to endeavour by legal Means to prevent Escapes, and he and his Officers to treat the Prisoners with the utmost Tendernefs and Humanity, as far as consistent with the safe Custody of them; and neither the Marshal

Prisoners.

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shall nor any employ'd by him, to take from any Prisoner for Debt, more for Commitment, Chamber-Rent, Release or Discharge, than allowed in the afore-said List of Fees.

King's Bench.
Rent, Re-
lease, &c.

Relating to the Officers and Servants of the Marshal.

XXIII. 10. The Turnkey diligently to attend the Gate or Door, and admit such Persons to any of the Prisoners, as by Law are intitled thereto.

Admittance to
the Prisoners.

XXIV. 11. No Cellarman, Turnkey, or other Officer or Servant of the Marshal to have any Share of the Charities, or bear any Office which may intitle him in the Disposition or Receipt thereof.

Shares of the
Charities, &c.

Relating to Prisoners in general.

XXV. 12. The Chapel to be kept in good Repair, and the Chaplain to attend to perform Divine Service, and administer the Sacrament at the usual Times of the Church of *England*.

Chapel.

XXVI. 13. No Prisoner to wrong another on Pain of being set in the Stocks, for such Time as the Marshal, with the Consent of the Steward and Assistants, or any Two of them think proper.

Stocks.

XXVII. 14. The Dining-Room to be kept in Repair, for the Prisoners to exercise Devotion or Conversation, and a Fire

Dining-
Room.

King's Bench.
Rooms under
it.

Fire kept therein as the Season requires; and the two Rooms under it to be for the Use of such as are afflicted with any Disease or Infirmary, that may require such Accommodation.

Relating to Prisoners on the common Side.

When to be
admitted on
the common
Side.

XXVIII. 15. Every Prisoner who shall make Oath before a Judge of this Court, a Commissioner, or a Justice of the Peace for the County of *Surrey*, that he cannot command $\text{5} \text{ } l.$ and cannot subsist without the Charities belonging to the common Side, shall immediately be admitted to the common Side, and be capable of being elected into all Offices, and intitled to all Shares, Dividends, and Profits belonging to the same.

Criminals.

XXIX. 16. No Person committed for criminal Matter to have a Vote or Suffrage in electing a Steward or other Officer of the common Side, nor to receive any Share of the Charities, other than his Share of the Profits arising from the Baskets.

Lodging.

XXX. 17. Every Prisoner to lodge in a Cabin within the Ward to which he belongs without Fee or Reward.

Assistant.

XXXI. 18. Every Prisoner to be capable of being chosen in his Turn an Assistant, and be intitled to such Allowan-

Prisoners.

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ces and Advantages as have been customary. *King's Bench.*

Relating to the Revenue.

XXXII. 19. The Seal of the common Side to be kept by the Master of the King's Bench Office, and not to be affixed to any Receipt, or other Instrument, 'till approved and signed by the Marshal, with the Consent of the Prisoners of the common Side, signified under the Hand of the said Steward and Assistants. *Seal.*

XXXIII. 20. If any Prisoner on the common Side be charged with one Action, and it be supersedable, the same to be superseded with the Money belonging to the Prisoners of the common Side, by their Consent, signified under the Hands of their Steward and Assistants, and signed by the Marshal; but if charged with more than one Action, not to be superseded with such Money, unless by Order obtained on Application to the Court in Term-time, or to a Judge in the Vacation. And no Judge's Clerk to take any Fee in any Matter relating thereto. *Supersedeas.*

XXXIV. 21. Particular Care to be taken of Prisoners on the common Side when sick, and Necessaries provided by the Steward and Assistants, and they to be re-imburfed out of the first County-Money. *Sickness.*

XXXV. 22.

King's Bench.

Debts.

XXXV. 22. Debts reasonably contracted by the Steward and Assistants, with the Concurrence of the Marshal, and Master of the King's Bench Office, for the necessary Support of poor Prisoners, to be entred by the Steward and Assistants in their House-Books, and to be repaid out of the next Dividend.

Fees.

XXXVI. 23. No Money to be allowed the Steward and Assistants for Sitting on House-Business, or adjusting Differences between Prisoner and Prisoner.

XXXVII. 24. Any Prisoner that comes into Prison, after the 1st Day of *Easter-Term*, to have but one Quarter of *Midsummer* dividend.

Basket-men.

XXXVIII. 25. The Money brought to the Prison by the Basket-men, and their Boxes, and the Boxes which come in at *Christmas*, *Easter*, and *Whitsuntide*, to be immediately divided to each Prisoner, making the Basket-men such reasonable Satisfaction for their Trouble, as has been usually allowed.

Supersedeas.

XXXIX. 26. In Case the Marshal in Aid of the Steward and Assistants, advance any Money for superseding any Action against any Prisoner as before directed, he shall be re-imburshed out of the next County-Money.

Election of
Steward, &c.

XL. 27. Prisoners of the common Side have Power to make an Election of a Steward every Year; no Prisoner who hath the Liberty of the Rules, or Liberty to go out of the Walls of the Prison,

to have a Vote for Steward, or other Officer of the common Side. Steward to continue in his Office a Year, unless removed upon Application to the Court in Term, or a Judge in the Vacation. *King's Bench.*

XLI. 28. Steward of the common Side Register; to keep a Register-Book of the Fees aforefaid and these Rules, and of the Charities which the Prisoners may inspect, and the Steward's Accounts.

XLII. 29. If any Prisoner be wronged Wrongs; or abused by the Steward and Assistants, on complaining to the Court in Term, or in the Vacation to a Judge, or to the Marshal (on Proof thereof) to have Allowance for Costs and Charges, to be paid out of the next Dividends belonging to the Steward and Assistants, or such of them who have wronged the Person complaining; or if the Complaint prove groundless, the Complainant to make Satisfaction out of his Share of the next Dividend.

XLIII. 30. If any of the Assistants, Waste; or the Steward, mispend or Waste the House-money, the next Assistants, or any succeeding them, may call the former to account for the same; and on Proof of Money mis-spent call all Dividends, as well at the Grate as otherwise, to be taken, stopp'd, and kept for Reparation, and to be put into the House-Box 'till divided to each Prisoner.

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XLIV. 31.

Record of *Nisi prius*.*King's Bench.*

Orders to be read.

XLIV. 31. The Steward and Assistants to cause these Orders to be read every third *Monday* at the first Basket, being the usual Day for chusing the Officers, and settling the House Accounts.

XLV. 32. The Marshal, his Officers and Servants, and the Prisoners to keep these Orders, under the Penalty of the utmost Punishment that by Law can be justly inflicted on them.

Fees.

XLVI. 33. No Clerk, Officer, or Servant belonging to any Judge of this Court to take any Gratuity by Reason of any Petition, Complaint, or Application made to any Judge by any of the said Prisoners, pursuant to these Orders.

Process. Vide Writs.

Prothonotaries. Vide Postea I.
Rolls VI. Writs IV, V.

Recognizances. Vide Bail XXII,
XXVII. Habeas Corpus IV.

Record of *Nisi prius*.

Vide Rolls III, IV.

Trin. 1 Jac. 2. I.
Incipitur of
Issue to be
made before
Record signed.

NO Record of *Nisi prius* to be sealed by any Officer of this Court, until the Issue, or Part thereof, be entered

Record of *Nisi prius*:

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tered upon a numbered Roll; and such *King's Bench*
Issue shewn to the Secondary, and by
him signed.

II. By this Rule, Where Issue was *Hill. 15 & 16*
joined of a precedent Term, it was to *Car. 2.*
be tried * within the first Week of Term, Of sealing Re-
and the *Custos Brevium* was not to seal cords on old
any Record of *Nisi prius* upon such Issue, Issues.
after that Time, without special Leave * If at Bar.
of the Chief Justice. But see the next
Rule.

III. Issues joined of any former Term *Hill. 20 & 21*
shall be tried the first or second Sitting of *Car. 2.*
every Term; and the *Custos Brevium* shall
not seal any Record of *Nisi prius* contra-
ry to the Intent of this Rule.

IV. Records of *Nisi prius* in London *Easter 7 Geo. 1.*
and *Middlesex* to be sealed on or before 1721.
the respective Days appointed in the Sit-
tings-Paper for their Trial.

V. No Record of *Nisi prius* for Trial *Trin. 15 Car. 2.*
at the Assizes was to be sealed after one
Month from the End of the Term.
But afterwards by the next Rule ordered
that,

VI. No Record of *Nisi prius* for Trial *Trin. 31 Car. 2.*
at the Assizes shall be sealed after the End
of three Weeks, from the End of the
Term.

VII. No Attorney of this Court who *Pa. 13 Jac. 1.*
is named in any Record of *Nisi prius*, Entering at the
and attends himself at the Assizes, shall Assizes.
pay more for putting in the Record than
the Attornies of the Common Pleas do in
the like Cases.

*King's Bench.**Trin. 10 & 11**Geo. 2. 1727.**(By the 12
Judges).*

VIII. In every Cause to be tried in the Circuits, the Writ and Record shall be entred together, and no Record shall be received without the Writ.

Reddōit se. Vide Bail XXIX.

Returns of Writs.

Vide Certiorari I. Habeas Corpus V,
VI. Scire facias I.

Pal. 6 Jac. 1. I. **E**Very Sheriff before the End of every Term, or immediately after, shall deliver and return into Court all *Latitats* and Writs thereupon, and make Affidavit that the Writs so delivered and returned are all that came to their Hands; in Default thereof, the Sheriff to be compelled to attend the Judgment of the Court for his Contempt.

Trin. 21 Car. 1. II. The Sheriff of *Chester* to return all Writs of this Court, directed to him, or forfeit 50 *l.*

*Mic. 6 Geo. 2.
1732.*

Rule to re-
turn a Writ,
or bring in the
Body.

III. Sheriffs or Under-Sheriffs, upon being served with a Rule peremptorily to return any Writ of this Court, or to bring in the Body of the Defendant within six Days after Notice, if the same be not done in the said Time, they will be liable to an Attachment, without a further Rule as heretofore.

Rolls.

Rolls.

Vide Deeds I. Demurrer III. Judgments III. Record of *Nisi prius* I.

I. **N**O numbred Rolls to be delivered to any, but the chief Clerk's Clerk *. And no Indenture, Writing, Writ of Error, Issue, or Demurrer, shall be entred on the Filazer's Rolls.

Trin. 1 Jac. 2.
To whom deliver'd.
* But now such Rolls are delivered as well to

Attornies as the Clerks of the Chief Clerk.

II. Every Issue after the Record of *Nisi prius* made up was to be entred on Record before the Beginning of the subsequent Term. And afterwards ordered that,

Hill. 1649.
When Entries are to be made on the Rolls.

III. All Issues shall be entred on the Roll, before the Record of *Nisi prius* be made. But yet more fully by the next Rule.

Easter 1657.
Before Record made up.

IV. No Record of *Nisi prius* shall be sealed or passed at the *Nisi prius* Office by the *Custos Brevium*, or any Clerk of that Office, before the Issue in that Cause be fairly entred on Record, or an *Incipitur* thereof made; and such Entry or *Incipitur*, with the Record of *Nisi prius* to be first brought to, and signed by the Secondary of this Court, for which no Fee shall be demanded or paid, but the usual and accustomed Fee due to the Chief

Mic. 5 Anne,
1706.

King's Bench. Clerk for the Entry of such Issue on Record.

Same Rule.
Before Judgment sign'd.

V. Every Judgment in any Action shall be entred fairly on the Roll, or an *Incipitur* thereof, before Judgment shall be signed by the Secondary or any Judge of this Court; and the Names of the Plaintiff and Defendant, the County and the Nature of the Action, with the Attorney's Name, shall be entred in a Book to be kept by the Secondary of the Court, for which nothing shall be paid but the accustomed Fee for entring such Judgment.

Hill. 1657.
By whom Entries are to be made.

VI. According to the ancient Course of the Court, none shall be permitted to enter any Causes or Judgments upon the Prothonotaries Rolls, but the Prothonotaries or their Clerks to whom the Entering thereof doth of Right belong; and that all the Rolls be entred in a full fair Hand, with a Margent of an Inch at least, and a convenient Distance at the Top, for the binding up the same; and at the Bottom, that the Writing be not rubbed out.

In what Manner.

Paj. 4 Jac. 2.
Warrants of Attorney.

VII. Every Clerk and Attorney who shall enter any Cause of Record, shall enter in the Beginning of such Cause the Warrants of Attorney for the Plaintiff and Defendant, otherwise the said Roll shall not be affiled or received.

In

King's Bench.

In *Pas.* 5 *W.* & *M.*
Pas. 9 *W.* 3.
Easter 1657.
Mich. 9 *W.* 3.
Trin. 10 *W.* 3.

Rules were made for Bringing in the Rolls; but the Substance of such of them as are not vacated, is comprised in the following Rule.

When to be carried in.

VIII. Every Attorney shall bring all his Rolls into the Office fairly ingrossed, by the Times limited by the former Rules; (*viz.*) The Rolls of *Trinity*, *Michaelmas*, and *Hillary* Terms, before the Effoin-Day of every subsequent Term, and the Rolls of *Easter* Term before the first Day of *Trinity* Term; and no Attorney at large, or other Person, shall take any Numbers, or file any Rolls, but the Clerks of the Chief Clerk only. *As to the taking Numbers or bringing in Rolls, there's now no Distinction used between Clerks and Attornies.*

Mic. 5 Annæ.

IX. The Clerk of the Treasury shall appoint one to attend in the Treasury, that the Clerks may have Access to, and search the Rolls, according to ancient Custom.

Trin. 1656.
 Access to the
 Rolls.

X. None were to have Access to the Rolls, but Clerks or Filazers. *But now Attornies have the same Liberty.*

Hill. 1657.

Rules.

Rules of Court. Vide *Imprisonment* I.
Motions I. *Prisoners* XII.

—— *To plead.* Vide *Ejectment* IV.
Pleas I to V. *Prisoners* II, III.

—— *Of the King's Bench.* Vide *Prisoners*.

Trin. 14 Car. 2. I. **N**O Rule to be made by any Judge after three Days after Term. See *Title Attornies* X.

Secondary or Master. Vide *Attornies* XI, XII. *Jury* I.

Scire facias.

Trin. 8 W. 3. I. **N**O *Alias Scire facias* shall be issued 'till the first be returnable.

Sheriffs.

Sheriffs.

Vide *Districus Jurator*. Jury II.
Returns of Writs. *Venire facias*.
Writs V, VI, X.

I. **E**Very Sheriff shall make a Deputy *Easter*
on Record, to receive Writs un- 15 Car. 2.
der the Penalties mentioned in the Stat.
23 Hen. 6. and the Sheriffs or their De-
puties shall personally attend in *Westmin-*
ster-Hall daily in Term-Time, to do their
Offices. Rules to the same Purpose as to
the Attendance of Sheriffs were made in
Hill. 21 Car. 1. and Easter 23 Car. 1.

Summons. Vide *Attornies* X. *Di-*
str' Jur' I. Jury II. *Venire* I.

Supersedeas. Vide *Escape* I. *Pris-*
oners VI, XI, XXXIII, XXXIV.

Surrender. Vide *Bail* XXVII, &c.

Tales. Vide *Distr' Jur'* II. Jury.
Venire Facias I.

Treasury. Vide *Rolls* IX.

Trials.

Trials.

Vide *Distringas Jurator*. *Jury*.
Notices I, II. *Prisoners* XI. *Re-*
cord of Nisi prius. *Venire Fa-*
ctas.

Hill. 15 & 16 I. **I**SSUES joined of any preceding
Car. 2. Term, were to be tried within the
On old Issues. first Week of Term. But afterwards or-
 dered that,

Hill. 20 & 21 II. Issues joined of a former Term,
Car. 2. shall be tried the first or second Sitting of
 every Term.

Hill. 15 & 16 III. Unless Causes to be tried in *Lon-*
Car. 2. don or *Middlesex* be entred with the chief
 Justice two Days before the Sitting
 whereon such Causes are to be tried,
 the Marshal may enter a *Ne recipiatur*,
 at the Instance of the Defendant or his
 Attorney.

Mic. 4 Annæ, IV. If the Defendant in any Action in
1705. London or *Middlesex* to be tried at the
Trial after Sittings shall enter a *Ne recipiatur*, and
Ne recipiatur. by Reason thereof hinders the Plaintiff
 from trying his Cause that Sitting; then
 the same Plaintiff may try his Cause at
 the next Sitting after the Entering the said
Ne recipiatur, upon giving Notice during
 the first Sitting.

Venire

Venire Facias.

Vide Distr' Jur'. Jury. Trials.
Writs.

I. **A**LL Sheriffs shall, upon the Re- *Easter 1651.*
turn of every *Venire facias*, cause
sufficient Summons to be given to all
Jurymen that are by them returned
upon any Jury, for the preventing of
Tales.

Verdicts (special). Vide Demurrers.
Paper Books.

Wales. Vide Writs X.

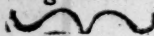
Warrants.

Vide Bail III. Rolls VII.

Judge's Warrant. Vide Escape I.

I. **I**N Pursuance of the late Act of *Mic. 5 Anne.*
Parliament) the Attorney for the *Of Attorney*
Defendant at the Time of his Appearing *to sue and de-*
for such Defendant, shall give the Plain- *fend.*
tiff's

King's Bench.



* But now
they are to be
entred on the
Roll. *Vide*
Title **Rolls**
VII.

Pas. 15 Car. 2.
Of Attorney
to confes
Judgment
when bad.

Easter
15 Car. 2.

tiff's Attorney a Warrant of Attorney for such Defendant; and at the Time of Delivering or Filing a Copy of the Declaration shall pay 4 *d.* for the said Warrant, that the Plaintiff's Attorney may file it at the same Time he files or ought to file the Warrant of Attorney for the Plaintiff*; and if the Defendant's Attorney refuses to pay for the Warrant aforesaid, the Plaintiff's Attorney may sign Judgment against the Defendant by Default.

II. No Bailiff or Sheriff's Officer shall presume to exact or take from any Person, being in his Custody by Arrest, any Warrant to acknowledge Judgment, but in the Presence of an Attorney for the Defendant, which Attorney shall then subscribe his Name thereunto, which said Warrant shall be produced when the said Judgment shall be acknowledged, any Bailiff or Officer offending, to be severely punished. And no Attorney shall enter up Judgment on a Warrant of Attorney gotten from any Defendant under an Arrest, otherwise than as aforesaid.

III. No Sheriff or Deputy shall grant Warrants before he receives the Writs, or deliver any Blank Warrants on Pain of Punishment and Fine.

Writs.

Writs.

Vide Ac etiam. Certiorari. Disse-
 Jurator. Error. Habeas Cor-
 pus. Original. Record of Nisi
 prius. Returns of Writs. Scire
 Facias. Sheriffs. Venire Facias.

I. **T**HE Keeper of the Seal not to seal any *Latitat*, *Alias* or *Pluries Capias*, *Non Omittas*, *Elegit*, *Habeas Corpus*, *Procedendo*, *Certiorari*, or *Superse-
 deas*, of this Court, unless first signed with the Sign or Stamp appointed by the Court.

Trin. 1656.
 What Writs
 ought to be
 signed before
 sealed.

II. The Keeper of the Seal not to seal any *Latitat*, *Habeas Corpus*, *Subpœna*, *Scire facias*, or other signable Writs, before signed.

Pas. 15 Car. 2.

III. No *Capias ad Satisfaciendum*, *Testatum Capias ad Satisfaciendum*, *Fieri facias*, or *Testatum Fieri facias*, to be sealed before signed with the *Latitat* Sign, upon Pain of twenty Shillings. And the Clerk that keeps the *Latitat* Sign shall not sign such Writs, unless brought to him by the Clerk of the Office *, whose Name is to the Writ, or his known Servant; and no Fee is to be taken for Signing the same.

Easter 1659.

The Clerk or
 Attorney's
 Name to be
 subscribed.
 * Or Attor-
 ney.

IV. No Clerk of the Office to permit another to set his Name to any Writ that belongs to the Prothonotaries or their Clerks to make out, but such as shall be written

Hill. 1657.
 Where one
 Clerk is not
 to suffer an-
 other to sub-
 scribe his
 Name.

King's Bench. written by the Hand-writing of the said Clerk, or his Servant, Forfeiture for the first Offence 20 s. and for the second Expulsion.

Trin. 1656. V. Every Clerk, according to ancient
Suing out Alias or Pluries. Orders, shall, upon signing every Writ of *Alias* and *Pluries Capias* and *Non Omittas*, subscribe under them the Term when the *Latitat* was sued out, and in Term-time shall deliver a Note so subscribed, and in the Vacation shall enter them on the Roll before the Writ be signed *. And the Prothonotaries shall summon all the Under-sheriffs to bring and deliver them all *Latitats*, *Alias* and *Pluries Capias's* and *Non Omittas's*, that they may see if they be duly issued.

Examination if Writs be duly issued.

* This is never done now, the Method is to take a *Præcipe* or Note of the Names, of the County, the Plaintiff and Defendant, and the Return of the *Alias* or *Pluries*; and the Signer of the *Latitats* enters it on the Roll at his Leisure; and if it be a Year after the Suing out the *Latitat*, then to sue out another *Latitat*.

Trin. 4 W. & M.

And duly sealed.

Mic. 13 Car. 2. A *gratis* Writ sealed for Clerks every Term.

Hill 25 Car. 2. Attendance at the Seal.

VI. The Officers of the Seal may inspect, without paying any Fee all the Writs in the Custody of the Under-sheriffs, to see that they are duly sealed.

VII. The Keeper of the Seal shall allow every Clerk of this Court, and his Clerk the Sealing of one Writ *gratis* at the End of every Term, in the Name of *Je vous prie*.

VIII. The Keeper of the Seal may permit one or more to attend the Seal on the Behalf of the King.

IX. The like on the Behalf of the Earl of Suffolk. *King's Bench.*

X. Upon mature Deliberation and Consideration here in Court; *It is ordered,* that all judicial Writs out of this Court, shall be executed by the Sheriff of each County in *Wales*, (as has been used in ancient Time) and in the like Manner as in *English* Counties. *Hill. 19 Jac. 2. Vide 2 Mod. Rep. 10.*

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The Dates of the *King's Bench*
Rules, and the Titles where-
under they are placed.

DIE Mercurii prox' post tres septimanas Trin. 2 Jac. 1.
Sanctæ Trin. anno 2 Jac. primi Regis.

Pleas VI.

Eodem die

Posteas II.

*Die Martis prox' post Octabas Purificatio- Hill. 3 Jac. 1.
nis beatæ Mariæ, anno 3 Jac. primi
Regis.*

Motions I.

*Die Lunæ proximo post Crastin' Ascensionis Easter
Dom. anno 5 Jacobi primi Regis. 5 Jac. 1.*

Money brought into Court I.

*Die Mercurii prox' post quinq; Paschæ anno Easter
6 Jac. primi Regis. Returns of 6 Jac. 1.*

Writs I.

G

Die

A Table of the Dates, &c.

- Mic. 7 Jac. 1. *Die Veneris proximo post Menssem Sancti Michaelis, anno 7 Jac. primi Regis. Basil VII.*
- Trin. 9 Jac. 1. *Die Veneris proximo post crastinum Sanctæ Trinitatis, anno 9 Jac. primi Regis. Audita Querela I.*
- Easter 13 Jac. 1. *Die Lunæ proximo post crastin. Ascensionis Dom. anno 13 Jac. primi Regis. Record of Risi prius VI.*
- Easter 17 Jac. 1. *Die Lunæ proximo post crastin. Ascensionis Dom. anno 17 Jac. primi Regis. Judgments III.*
- Hill. 19 Jac. 1. *Die Martis proximo post oſtab. Purificationis beatæ Mariæ, anno 19 Jac. primi Regis. Writs X.*
- Hill. 8 Car. 1. *Die Martis proximo post oſtab. Purificationis anno 8 Car. primi Regis. Original IV.*
- Easter 9 Car. 1. *Die Martis proximo post tres septiman. Paschæ, anno 9 Car. primi Regis. Palace Court I.*
- Easter 11 Car. 1. *Die Veneris in crastin. Ascensionis Dom. anno 11 Car. primi Regis. Certiorari I.*
- Hill. 14 Car. 1. *Die Sabbati proximo post oſtab. Purificationis anno 14 Caroli primi Regis. Prisoners VIII.*
- Mic. 15 Car. 1. *Die Jovis prox. post crastin. animar. anno 15 Caroli primi Regis. Filazers I.*
- Mic. 17 Car. 1. *Die Lunæ proximo post tres septiman. Sancti Mic. anno 17 Car. primi Regis. Paper Books III.*
- Trin. 20 Car. 1. *Die Lunæ proximo post tres septiman. Sanctæ Trin. anno 20 Car. primi Regis. Exor III.*
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of the *King's Bench* Rules.

Die Mercurii prox. post tres septiman. Trin. 21 Car. 1.
Sanctæ Trin. anno 21 Car. primi Regis.

Returns of Writs II.

Die Jovis prox. post octab. Sancti Martini, Mich.
 anno 21 Car. primi Regis. Bail XIII. 21 Car. 1.

Die Veneris prox. post crastin. Purificationis, Hill. 21 Car. 1.
 anno 21 Car. primi Regis. Attor-

nies VII. Sheriffs I.

Die Lunæ proximo post quinq; septiman. Easter
Paschæ, anno 23 Car. primi Regis. 23 Car. 1.

Sheriffs I.

Die Lunæ proximo post quinden. Sancti Hill. 23 Car. 1.
Hill. anno 23 Car. primi Regis. Bail

XV.

Die Mercurii prox. post octabas Sancti Hill. 1649.
 anno Dom. 1649. Ejectment V.

Die Veneris prox. post octabas Sancti Hill.
 eodem anno. Rolls II.

Die Mercurii prox. post octab. Purificationis, Hill. 1650.
 anno 1650. Bail XVI.

Monday next after the Morrow of the Easter 1651.
 Ascension of our Lord 1651. Distr'

Jur' I. Jury II. Venire fa-
 cias I.

Monday next after the Morrow of All Mic. 1651.
 Souls 1651. Notices I. Habeas

Corpus V.

Wednesday next after five Weeks of Easter Easter 1656.
 1656. Attornies IX.

Tuesday next after eight Days of the Holy Trin. 1656.
 Trinity 1656. Writs I, V.

Wednesday next after fifteen Days of the
 Holy Trinity 1656. Rolls IX.

Wednesday next after fifteen Days of Easter Easter 1657.
 1657. Judgments IV.

A Table of the Dates, &c.

Easter 1657.	Saturday next after fifteen Days of Easter 1657. Ball I. Declarations I.
	Friday in the Morrow of the Ascension of our Lord 1657. Rolls III, VIII.
Hill. 1657.	Tuesday next after fifteen Days of St. Hilary 1657. Demurrer IV. Pleas I. Rolls VI, IX. Writs,
Easter 1658.	Monday next after the Morrow of the Ascension of our Lord 1658. Paper Books II.
Easter 1659.	Friday next after a Month of Easter 1659. Writs III.
Trin. 13 Car. 2.	Die Martis prox. post tres septiman. Sanctæ Trin. anno 13 Car. 2. Regis. Attornies XVII.
Mich. 13 Car. 2.	Die Jovis prox. post mens. Sancti Mich. anno 13 Car. 2. Regis. Writs VII.
Easter 14 Car. 2.	Die Lunæ prox. post mens. Paschæ, anno 14 Car. 2. Regis. Attornies IX.
Trin. 14 Car. 2.	Die Martis prox. post octab. Sanct. Trin. anno 14 Car. 2. Regis. Ejement I.
	Die Mercurii prox. post tres septiman. Sanctæ Trin. anno 14 Car. 2. Regis. Attornies VIII. Rules I.
Hill. 15 Car. 2.	Die Martis in crastin. Purificationis beatæ Mariæ 15 Car. 2. Regis. Attornies II.
	Die Jovis prox. post octab. Purificationis beatæ Mariæ, anno 15 Car. 2. Regis. Dist' Jur' II.
Easter 15 Car. 2.	Die Mercurii prox. post tres septiman. Pasch. anno 15 Car. 2. Regis. Writs II.
	Die Veneris in Cro. Ascen. Dom. anno 15 Car. 2. Regis. Warrants II.

Die

of the *King's Bench* Rules.

- Die Lunæ prox. post crastin. Ascen. Dom.* Easter
anno 15 Car. 2. Regis. Attornies XII. 15 Car. 2.
Pasch. 15 Car. 2. Sheriffs I. War-
rants III.
Die Mercur. prox. post tres septimanas Trin.
Sanctæ Trin. anno 15 Car. 2. Regis. 15 Car. 2.
Ejectment III.
Eodem die. Record of Nisi prius V.
Die Martis in crastin. animar. anno 15 Ca- Mic. 15 Car. 2.
roli 2. Regis. Additions II.
Die Mercur. in festo Sancti Martini, anno
15 Car. 2. Regis. Ac etiam I.
Arrests I.
Die Sabbati prox. post octab. Sancti Martini,
anno 15 Car. 2. Regis. Attornies XIII.
Die Sabbati prox. post quinden. Sancti Mar-
tini, anno 15 Car. 2. Regis. Addi-
tions II.
Die Veneris. prox. post octab. Purificationis Hill. 15 & 16
beatæ Mariæ, anno 15 & 16 Car. 2. Re- Car. 2.
gis. Attornies XII.
Hill. 15 & 16 Car. 2. Record of Nisi
prius II. Trials I, III.
Die Lunæ prox. post crastin. Ascens. Dom. Easter
anno 16 Car. 2. Regis. Prisoners X. 16 Car. 2.
Eodem die. Error I, IV, V.
Die Mercurii prox. post tres sept. Sanctæ Trin.
Trin. anno 16 Car. 2. Regis. Pleas VI. 16 Car. 2.
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Pasch. anno 18 Car. 2. Regis. Demur- 18 Car. 2.
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Trin. 18 Car. 2.	Die Martis prox. post octab. Sanct. Trin. anno 18 Car. 2. Regis. Ejectment IV.
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Trin. 22 Car. 2.	Trin. 22 Car. 2. Regis. Bail II.
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Easter 31 Car. 2.	Die Sabbati post crastin. Ascen. Dom. anno 31 Car. 2. Regis. Original II.
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Easter 36 Car. 2.	Pas. 36 Car. 2. Regis. Error II.

Die

of the King's Bench Rules.

Die Mercurii prox. post tres septiman. Sanctæ Trin. 1 Jac. 2.

Trin. anno 1 Jacobi secundi Regis. Pa-
per Books II. Record of Hist
rius I. Rolls I.

Die Veneris prox. post mens. Pas. anno Easter 2 Jac. 2.
 2 Jac. 2. *Regis. Paper Books I.*

Die Lune prox. post octab. Sancti Hill. Hill. 2 Jac. 2.
 anno 2 Jac. 2. *Regis. Habeas Cor-*
pus III.

Hill. 3 & 4 Jac. 2. Regis. Carts I. Hill. 3 & 4
Eodem Term. Forma Pauperis I. Jac. 2.

Die Veneris prox. post mens. Pas. anno Easter 4 Jac. 2.
 4 Jac. 2. *Regis. Rolls VII.*

Die Veneris post crastin. Purificationis beatæ Hill.
Mariæ, anno 1 Will. & Mar. Regis & 1 W. & M.
Reginæ. Bail III.

Die Martis post mens. Mich. anno 2 Will. Mich.
 & Mar. *Regis & Reginæ. Pleas VI.* 2 W. & M.

Die Lune prox. post octab. Sancti Trin. anno Trin.
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IV, XXI. Habeas Corpus IV.

Die Sabbati prox. post octab. Sanctæ Trin.
 anno 4 Will. & Mar. *Regis & Reginæ.*
Bail V.

Die Martis post tres sept. Sanctæ Trin. anno
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Die Veneris prox. post mens. Pas. anno Easter
 5 Will. & Mariæ *Regis & Reginæ.* 5 W. & M.
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6 W. & M.	6 Will. & Mar. Fines I.
Trin. 8 W. 3.	<i>Die Veneris prox. post crastin. Sanctæ Trin.</i> anno 8 Will. 3. Regis. Scire facias I.
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Mic. 9 W. 3.	<i>Die Sabbati prox. post octab. Sancti Martini</i> anno 9 Will. 3. Regis. Rolls VIII.
Trin. 10 W. 3.	<i>Die Veneris prox. post crastin. Sanctæ Trin.</i> anno 10 Will. 3. Regis. Rolls VIII.
Hill. 10 W. 3.	<i>Die Jovis prox. post octab. Sancti Hillarii,</i> anno 10 Will. 3. Regis. Habeas Corpus VI.
Easter	<i>Die Mercurii prox. post quinq; septiman.</i>
11 W. 3.	<i>Pasch. anno 11 Will. 3. Regis.</i> Demurrer III.
	<i>Eodem die.</i> Bail IX.
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1702.	anno 1 Annæ Reginæ. Bail XXVII.
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Die

of the King's Bench Rules.

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Die Mercurii prox. post tres sept. Sancti Mi- Mic. 5 Annæ,
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Same

A Table of the Dates, &c.

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F I N I S.



A N

Attorney's Practice

Common-plac'd :

P A R T II.

CONTAINING

AN ATTORNEY'S PRACTICE in the
Court of Common Pleas at *West-*
minster.

By an ATTORNEY at Law.

In the SAVOY:

Printed by HENRY LINTOT (Assignee of
Edw. Sayer, Esq;) for **J. Robinson,** at
the *Golden Lion* in *Ludgate Street.* 1743.

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O F T H E

TITLES, where-under the Rules of
the *Common Pleas* are distributed.

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T H E

RULES of PRACTICE

Common-plac'd.

Affidavits.

Bail XVII, XX. Motions. Pri-
soners II, VIII.

I. **T**HE Secondaries of the several Offices shall not file any Affidavits taken before any Person that is not commissioned to do the same; and to that end Books of the Names of all such Persons as are or shall be lawfully authorized to take Affidavits in the Country to be made use

Common Pleas.

Trin. 2 W.

& M.

Taken before
Commissioners.

Appearances.

Common Pleas.

Affidavits not to be read 'till filed.

use of in this Court, shall be delivered to and kept by the said Secondaries, and no Affidvit shall be read in Court before the same be filed. *But all Affidavits sworn in Town before a Judge, or in Court, may be read in Court before the Filing with the Secondary, and nothing paid for them.*

1 Instr. Cler. 502.

Hill. 11 Geo. 2.

The like for Affidavits of Costs on Taxation, &c.

II. All Affidavits to be produced, read, or made use of, before any of the Prothonotaries of this Court, upon Taxation of Costs, and other Matters to them referred, be filed by the Secondaries in the respective Prothonotaries Offices.

Amendments. Vide Declarations VIII. Demurrers I. Pleas XII.

Appearances.

Vide Bail. Bail-Bonds. Declarations X. Ejectment. Habeas Corpus. Imparances I. Outlawries IV. Prisoners II, III, IV, V, XIII. Venue IV. Warrants. Writs II.

Mich. 1654.

Appearances to be duly entered.

I. **A** PPEARANCES to be duly entered with the Prothonotaries or Filazers with whom the same ought to be entered (a); but if special Bail be required (a) *Appearance must be entered in the Office where the Process issued, as upon a Capias, &c. with the Filazer, or upon a Writ of Privilege with the Prothonotaries.*

Appearances.

3

nable in the Case, the Plaintiff not to be concluded by such Appearances, if he insists upon it. *Common Pleas.*

II. WHERE an Appearance is upon the original Writ, if the Defendant's Appearance be not entred of Record, the Defendant's Attorney to give his Hand to the Plaintiff's Attorney upon the Delivery of the Declaration, that he appeareth thereunto. *But Appearance must now be actually entred before Declaration delivered. Vide post.* *Same Rule. When to give one's Hand for Appearance.*

III. ANY Attorney of either Bench accepting a Warrant to appear, or subscribing a Process, Declaration or Warrant to appear, be compelled to cause Appearance or be liable to an Attachment, or be put out of the Roll, as the Case requires; and the Party not to be received to countermand such Appearance after his Retainer. *Same Rule. Attorney not appearing being retained, liable to an Attachment.*

IV. EVERY Attorney retained to appear for any Defendant to any Writ issuing out of this Court, which is made by the respective Filazers, shall enter Appearance with the proper Filazer, and pay him 6d. Duty, and his Fee. Now, *Easter 24 Car. 2. Fee for Appearance and Duty.* *the Duty is 1 s. and the Filazer's Fee 1 s.*

V. AND no Defendant shall imparl, amend his Plea, or move to change the Venue, nor shall any Attorney receive or deliver any Declaration or Count, unless Appearance be first entred. And for the better discovering and punishing Offenders *Same Rule. To be entred before Imparlance, Amendment of Plea, or Change of Venue, Delivering or receiving Declaration.*

Common Pleas.

Filazers may search the Doggets, &c. to see if any Proceedings where no Appearance is entred.

ders against this Order, the respective Filazers of this Court may at all convenient Times freely peruse the Doggets and other Memorials of the Prothonotaries, to the End that in every Term they may deliver in Writing the Names of all Attornies of this Court, who shall not have entred the Appearances of such Defendants who employ them with the proper Filazer, to the Lord Chief Justice or his Brethren (which they are hereby required diligently to do) that the said Justices may without Remissness proceed against such Offenders.

Hill. 6 Geo. I.
Former Rules confirmed.

VI. FOR preventing Neglects in entring Appearances, all the Rules heretofore made relating to the Premises, shall be punctually observed, and for the further enforcing them, ordered that every Attorney of this Court accepting or subscribing any Warrants to appear for any Defendant to any Writ issuing out of this Court, shall within (a) four Days after the Appearance-Day, to the Return of every such Writ in London or Middlesex, and within eight Days after the Appearance-Day in every Writ in any other County, enter the Appearance of such Defendant with the proper Officer (b). And if any

(a) *Per Stat.*
5 Geo. 2. c. 27.
Defendant has eight Days after the Return to appear in, and if he does not enter Appearance in

that Time, the Plaintiff may enter it for him by Filing an Affidavit of the Service of the Process with the proper Officer for entring the Appearance (if in the Common Pleas) whereupon the said Officer will enter the Appearance, which is as effectual as if the Defendant himself had appeared. (b) *Vide ante I.*

Attorney

Attachment of Privilege.

5

Attorney accepting any Warrant to appear, or subscribe any Process or Warrant to appear, do not enter such Appearance within the Time aforesaid, he shall be liable to an Attachment, and shall not be discharged therefrom 'till he hath paid full Costs to the Plaintiff, for the Prosecution on such Attachment; and the Defendant when he appears, shall be compelled to plead, as of the Time when he should have pleaded, if his Appearance had been duly entered.

Common Pleas.

Retainer.

Arrests. Vide Attachment of Privilege II. Prisoners XIII.

Associate. Vide Postea.

Attachment of Contempt. Vide Appearance III, VI. Bail-Bonds I. Demurrers III.

Attachment of Privilege.

I. **T**HE Clerk of the Warrants at the End of every Term shall certify under his Hand to the Seal-Office the Names of those Attornies that have discontinued, and that are forejudged, and put out of the Roll, and have not filed any Warrant of Attorney, nor continued their Names upon the Roll for above four Terms past, and that hereupon for such Persons no Writ of Privilege or Attachment be sealed until they shall have

Trin. 29 Car. 2.
Writs of Privilege to be marked by the Clerk of the Warrants.

Common Pleas.

a Certificate from the said Clerk, or have their said Writs by him signed, to testify that their Names are upon the Roll of Attornies, for which no Fee is to be paid. And no Attorney at any Time sworn and entred upon the Roll, shall have his Privilege as a Clerk to any Prothonotary, but only as an Attorney according to ancient Custom.

Trin. 9 W. 3.

II. NO Attorney shall sue forth in his own Name, or at his own Suit, any *Writ of Privilege, Attachment, proprium Capias*, or other such Process; and no Filazer, or Exigenter, Clerk, or other Officer or Minister of this Court shall sign or allow such Writs or Process, and the Keeper of the Seal not to seal them, unless first stamped or signed by the Clerk of the Warrants, for which no Fee is to be paid, to shew that such Person is an Attorney of this Court duly entred and continued on the Roll of Attornies; and every such Writ or Process, not stamped or signed as aforesaid, shall be of no force to free such Person from Arrests, or to require Bail, or to give any Privilege whatsoever as an Attorney of this Court.

Hill. 11 Geo. 2.
Note for the
Office.

III. EVERY Attorney of this Court, who shall sue out any Attachment of Privilege against any Defendant, shall leave a *Præcipe* at the Prothonotary's Office, with the Defendants Names not exceeding four in the Whole, with the Return-day thereto, and the Day of Signing the same, together with the Agent's

Attornies.

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gent's or Attorney's Name who sues out the same; and every such *Præcipe*, shall be entred by the Prothonotaries, upon a Remembrance-Roll in their respective Offices, to be kept for that Purpose, without Fee or Reward; and that the Prothonotaries do not sign any Attachment of Privilege without such *Præcipe* be left in the Office at the Time of Signing thereof.

Common Pleas.

Entry on Remembrance.

Attornies.

Vide Attachment of Privilege. Hale
Practice. Warrants.

I. **A**LL Attornies and Clerks of this Court shall procure themselves to be admitted into one of the Inns of Court or Chancery, and take Chambers there, (if conveniently they may be had,) or else Lodgings in some convenient Place near the said Inns, and leave Notice in Writing with the Butler or Porter of such Inn whereof they are admitted, where their Lodgings or Habitations are; (except Inhabitants or House-keepers in London, Westminster, Southwark, or the Suburbs thereof, and the Liberty of the Tower of London, and St. Katherine's there, and sworn Attornies of any Courts within the said Cities, Towns and Liberties.

Mic. 3 Annae,

By the twelve

Judges, and

again in Mic.

4 Annae, by

the Judges of

C. B.

Of being ad-

mitted in the

Inns, Rules to

this Effect

were made in

Mic. 1654.

Trin. 20 Car. 2.

and Mic.

36 Car. 2.

H 3

II. AND

Common Pleas.

To produce a
Certificate
thereof when
sworn.

II. AND for the Future no Person shall be sworn an Attorney, or admitted a Clerk of this Court, (except the Persons before excepted,) unless so admitted, and shall produce at the Time of being sworn or admitted as aforesaid, a Certificate of his Admission under the Hand of the Treasurer or Principal of the Inn whereof he is admitted, (which they are to give without being paid for the same) which Certificate by every Attorney to be delivered to the Clerk of the Warrants, and by every Clerk of this Court to the Prothonotary in whose Office he shall be admitted, to be filed by the said Officers before the Name of such Attorney shall be entred on the Roll of Attornies, or such Clerk admitted as aforesaid; unto which Files of Certificates the respective Treasurers or Principals of the said Inns of Court and Chancery may resort without paying for the same.

Not to leave
one Inn 'till
admitted of
another.

III. NO Attorney or Clerk shall put himself out of the Society he is first admitted into, 'till admitted into another, and has delivered a Certificate of the Treasurer or Principal of the other Society to the Treasurer or Principal of the Society he was first of.

To be in
Commons.

IV. AND the Attornies and Clerks so admitted shall be in Commons, according to the Orders of such Society whereof they are admitted. Attornies offending against this Rule to be put out
of

Attornies.

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of the Roll, and Clerks offending to be discharged from their Offices, 'till they give Obedience to this Order; and the Prothonotary's Clerk of the Warrants, and all other Officers whom it may concern are to give Obedience to this Order, and see the same as to themselves be duly observed.

Common Pleas.

V. THE respective Treasurers, Principals of the Inns of Chancery, and the Antients, Rulers, and Governors of the same, shall procure a List of such Attornies and Clerks as are not so admitted; which List they shall yearly in *Michaelmas* Term deliver to the Chief Justice, that the Offenders may be compelled to obey the same.

Lists of those not so admitted.

VI. ALSO the said Treasurers, Principals, Antients, Rulers and Governors, shall procure a List of such as Practice as Attornies or Clerks in any of the said Courts who are not sworn or admitted as aforesaid, which List to be delivered as above, that such Offenders may be proceeded against in such Manner as shall be thought fit.

Of irregular Practisers.

Vide Remarks on this Rule in the King's Bench Tit. Attornies.

VII. NONE was to be admitted an Attorney of this Court, unless he *had* practised as a common Solicitor in this Court by the Space of five Years, or *had* served five Years as a Clerk to some Judge, Serjeant at Law, practising Coun-

Mic. 1654.

Who to be admitted an Attorney.

Vide Stat.

2 Geo. 2.

Common Pleas.

fellor, Attorney, Clerk or Officer of one of the Courts at *Westminster*, unless his Master *died* or *gave* over his Practice, and *should* be also upon Examination found of good Ability and Honesty for such Employment; and that sufficient Proof (to be put in Writing) *was* to be made of such Service to the Prothonotary upon a Desire of Admittance, and filed with the Clerk of the Warrants without Fee.

Same Term.

VIII. Attornies dismissed by one Court for a Misdemeanor (after Certificate) not to be admitted to Practice in another, it being contrary to the Intent of the Law.

Same Term.
The Manner
of being ad-
mitted.

IX. The Court once a Year in *Michaelmas* Term to nominate Twelve or more able and creditable Practisers in the Court to continue for the Year ensuing, for these Purposes hereafter named, That they or any Six of them *should* examine such as *desired* to be admitted Attornies, who *were* first to attend the Prothonotary with Proof of his Service, then *were* to repair to the Persons appointed to examine Attornies, and being approved, *were* to be presented to the Court with the Assignment of his Approbation, and then to be sworn in open Court, unless some just Exception *was* made against him. *But see the Statute 2 Geo. 2. for the Regulation of Attornies and Solicitors.*

Same Rule.

X. That they give Information to the Court from Time to Time, of Breaches
of

Attornies.

II

of Orders and Miscarriages of Officers, *Common Pleas.*
Attornies and Clerks.

XI. Whosoever would be admitted an Attorney, must apply, for that Purpose, before the last Week in Term.

*Per Notice fix'd
up in the Of-
fices,*

XII. EVERY Attorney of this Court, who at or since *Easter Term 20 Car. 2.* *had* withdrawn himself or any of his Causes from that Prothonotary's Office, where he was then settled, unto any other Office, *was* upon Notice of this Order to reduce himself to that Prothonotary's Office where he was then settled, and there continue and cause all his Business to be entred in that Office only, upon Pain of incurring the Displeasure of this Court, and such Penalties as this Court should think fit to inflict for the first Offence, and for the second Offence to be expelled the Court. And no Attorney of this Court admitted since the first Day of the said *Easter Term*, or hereafter to be admitted, without Leave of this Court upon Cause shewn, shall shift from the Prothonotary's Office wherein he is sworn, upon the like Penalties; and no Prothonotary of this Court shall hereafter permit any such removing or shifting Attorney to enter any of his Causes in his Office contrary to this Order. *And to make this Rule more effectual it was,*

*Mic. 2 Geo. 2.
Trin. 21 Car. 2.*

*Attornies to
continue in
that Prothono-
tary's Office
wherein he
was admitted.*

XIII. ORDERED by the Consent of the respective Prothonotaries, that they shall permit each other, by themselves

Same Term.

Common Pleas.

elves or Clerks, to search each other's Doggets, and Judgment-Books, at seasonable and convenient Times, for the better Discovery and Prevention of such Abuses for the Future. And if it hereafter happen that any Business be entred in any Prothonotary's Office contrary to the aforesaid Rule, then such Prothonotary shall, upon Notice and Request made to him, repay the Fees received for doing such Business to such Prothonotary to whom such Fees did of Right belong.

Mic. 1654.
To appear in
Court.

XIV. ALL Officers and Attornies of this Court to appear in Person in Court, upon or before the fourteenth Day of *Michaelmas* Term; and upon or before the seventh Day of every other Term, upon Pain of 10 s. for the first Default, 20 s. for the Second, and being put out of the Roll for the Third; the Appearance to be entred with the Clerk of the Warrants, and the Defaulters to be delivered to the Court upon Oath (if required) within three Days after the Time required for Appearance.

Hill. 14 & 15
Car. 2.
East. 1 Jac. 2.

These Rules recite that above, and further confirm the Observance of it without any Addition in this Respect.

Mic. 1654.
Who to practice as an Attorney.

XV. COMMON Solicitors not to practice in this Court unless admitted Attornies of either Bench; but not to extend to the Managing of Evidence at a Trial, nor to private Solicitors or Servants of

Attornies.

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of Corporations, or other Persons in the *Common Pleas.*
Cases of their Masters.

XVI. NO Under-Sheriff or Bailiff of *Same Term.*
Sheriffs or Liberties to be admitted during such their Employment to practice as Attornies, under Pain of Expulsion from the Employment of an Attorney, and not to be re-admitted.

XVII. NO Officer of this Court to *Hill. 14 & 15*
make any Procefs or Entry, in the Name *Car. 2.*
of any Person not sworn an Attorney, *Pas. 1 Jac. 2.*
nor on the Roll of Attornies, or put out *When Officers*
of the Roll, either as a Discontinuer, or *of the Court*
for a Misdemeanor, or by Rule of Court, *are not to per-*
after Notice thereof given to such Offi- *mit any Pro-*
cer by the Clerk of the Warrants. *cess or Entry*
to be made.

XVIII. NO Person to practice in an- *Mic. 1654.*
other's Name, nor any Attorney know- *Not to prac-*
ingly permit another to practice in his *tice in an-*
Name; upon Pain of being put out of *other's Name,*
the Roll, excepting in Warrants of At- *and Attornies*
torney for Common Recoveries. *By a* *permitting o-*
later Rule. *thers to prac-*
tice in their
Names.

XIX. IT is forbidden by the Justices *Hill. 14 & 15*
of this Court, upon Pain of Expulsion, *Car. 2.*
that no Attorney of this Court permit *Pas. 1 Jac. 2.*
any other to practice in his Name.

XX. FOR the Prevention of Maintenance and Brocage, no Attorney to be *Mic. 1654.*
Lessee in an Ejectment, nor Bail for a *Not to be*
Defendant in this Court in any Action. *Lessee in E-*
jectment or
Bail in any
Action.

XXI. NO Attorney of this, or any *Mic. 6 Geo. 2.*
other Court, or any Person practising as *1732.*
such, shall be Bail in any Suit or Action
depending in this Court.

XXII. SUCH

Common Pleas.

Mic. 1654.
When to lose
their Privi-
lege.

Same Term.
No Change of
an Attorney
without Rule,
&c.

In Trinity
Term 13 G. 2.
the Court of
C. B. set aside
the Proceedings
in Irefon and

Rosewell, because the Country Attorney changed his Agent in London without Leave of the Court; the first Agent only sued out the Capias, the Attorney himself coming to Town filed the Declaration, and the second Agent proceeded to Judgment; even the Filing the Declaration by the Country Attorney was held irregular, he having employed an Agent to sue out the Writ.

Same Rule.
Retainer.

Trin. 21 Car. 2.
Proceeding
against them.

When the Bill
is ingrossed
give it to one
of the Cryers

in Court, and he will call the Defendant, and then you must file it and give a Rule for the Defendant to appear; and likewise by the next Rule.

XXII. SUCH Attornies as have not been attending their Imployment in this Court by the Space of one Year last past, unless hindred by Sickneſs, ſhall not be allowed their Privilege.

XXIII. NO Perſon without Rule of Court, Order of the Judge or Prothonotary, and Notice to the adverſe Party or his Attorney, ſhall change or ſhift his Attorney; and ſuch Attorney newly coming in, to take Notice at his Peril of the Rules whereunto the former Attorney was liable had he continued.

XXIV. A Retainer of an Attorney of the Common Pleas, by an Attorney of the Upper Bench, & *à converſo*, to be a ſufficient Excuse to the Attorney ſo retained, acting according to ſuch Retainer, and the Attorney ſo retaining without Warrant from the Party to be ſubject to the Punishment.

XXV. NO Bill ſhall be filed againſt any Officer, Attorney, Clerk or Miniſter of this Court to be called in Court, in order to a Forejudger, until the ſaid Bill be actually entred upon Record, and the N^o of the Roll put upon the ſaid Bill.

XXVI.

XXVI. WHERE any Bill shall be filed against an Attorney of this Court, no Forejudger shall be entred against him, for Want of Appearance, if the Action be laid in *London* and *Middlesex*, and such Attorney reside within twenty Miles of *London*, until four Days after Notice in Writing of Filing such Bill be given to such Attorney, or his Agent, or left at his usual Place of Abode, and a Rule given for such Appearance as usual; and if such Attorney resides above twenty Miles from *London*, or the Action be laid in any other County than *London* or *Middlesex*, then no Forejudger shall be entred 'till eight Days after such Notice shall be given in such Manner as aforesaid, and a Rule to appear as aforesaid; the said Days to be exclusive of the Day of giving such Notice.

Common Pleas.
Hill. 11 Geo. 2.
Proceedings
against them.

*Motion against
the Secondary*

of the Compter, for not discharging an Attorney on a Writ of Privilege without Bail. Per Lord North, If an Attorney be sued by Process out of an inferior Court, a Writ of Privilege should be allowed, and he thereupon discharged; but if by Process of a superior Court, he must bring a Supersedeas, because a superior Court is of equal Nature with the Writ of Privilege. 1 Instr. Cler. 510. 7th Edit.

Attorney General. Vide Recove-
ries IV.

Bail.

Bail.

Vide Attornies XX, XXI. Error.
Habeas Corpus. Outlawries V.
Prisoners VIII.

Bail (special) on Cepi Corpus, &c.

Mic. 1654. I. IF the Defendant appears upon the
Where special Summons, Attachment, or Distress,
Bail is required. or by *Supersedeas quia improvidè*, or doth
On Summons, truly render himself upon the Exigent,
Attachment, no Bail is requirable.
Distress, *Supersedeas*, or Exigent.

Same Rule. II. IN all Causes of Removal, be it
In Causes of by *Habeas Corpus*, *Privilege* or *Certiorari*,
Removal. special Bail ought to be given.

Same Rule. III. IN Causes by *Cepi Corpus*, be it
When on *Cepi Corpus* in Debt, Detinue, Trespass for Goods, Ac-
Corpus in tion upon the Case (except Slander) if
Debt, Detinue, the Debt or Damages amount to 20*l.*
Trespass, or special Bail is to be given, except it be
Case. against an Heir, Executor or Administrator.

Same Rule. IV. IN Covenant, because the Da-
Covenant. mages are uncertain 'till Declaration, Bail
at Discretion.

Bail (Special).

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V. IN Battery, Conspiracy, False Imprisonment, no special Bail of Course without special Motion and Order.

Common Pleas.

Same Rule.

Battery, Conspiracy, False Imprisonment.

VI. IN Slander no special Bail, except in Slander of Title, wherein to be left to the Discretion of the Judges.

Same Rule.

Slander.

VII. IN Privilege, other than for Fees and Disbursements, as an Attorney of this Court, Bail at Discretion of the Court. In such Case where in a Suit by a common Person, special Bail is not required. *Vide Title Ac etiam in the First Part.*

Same Rule.

Privilege.

VIII. NO Attorney of this Court or any Person practising as such, shall be Bail in any Suit or Action depending in this Court.

Mic. 6 Geo. 2.

Who may not be Bail.

IX. NO Sheriff's Officer, Bailiff, or other Person concerned in the Execution of Process, shall be permitted or suffered to become Bail in any Action or Suit depending in this Court.

Same Term.

X. THE Defendant or his Attorney, who shall hereafter put in Bail to any *Capias ad Respondendum*, or other Filazer's Writ shall duly have Recourse to the proper Filazer in whose Office such Bail ought to be entred, and shall with him or his Clerk either come into Court, or with him or his Clerk, attend one of the Judges thereof to take the same; and in Case any Filazer's Bail shall be taken contrary

Trin. 1 W.

& M.

Of the Filazer's Attendance to put in Bail.

Common Pleas.

*(a) See the next
Paragraph,
and § XIV,
&c.*

trary to this Order (except it be taken in the Circuit, (a) which if delivered to the proper Filazer by the first Day of the succeeding Term, that so he may have Time to enter it upon Record, shall be as good as such as are taken, as is above ordered) this Court will punish such Contempt, and in order to make the Attorney for the Defendant vigilant in his Client's Business, this Court doth declare, that where any Filazer's Bail is taken without the proper Filazer, it is as no Bail; and the Plaintiff is at Liberty to proceed on the Sheriff's Bond, as if no such Bail were ever put in: And that before the Defendant shall be admitted to plead to the original Action, he shall pay full Costs to the Plaintiff.

*Hill. 8 Geo. 2.
Notice fixed up
in the Judges
Chambers.*

*Or in the Ab-
sence of the
Filazer.*

But now,

XI. BAILS may be taken (in the Absence of the Filazer) on stamped Parchment, upon bringing a true Abstract of the Writ to the Judge's Chambers.

*Mic. 6 Geo. 2.
Excepting
against Bail.*

XII. IN all Cases wherein Bail-Bonds shall be taken, and the same Bail is put in above, the Plaintiff may except against such Bail.

*Trin. 3 & 4
Geo. 2.
Perfecting
Bail.*

XIII. IF special Bail put in by the Defendant be excepted to, the Defendant shall perfect his Bail within four Days after Exception taken; in Default whereof the Plaintiff shall be at Liberty to proceed upon the Bail-Bond.

Bail (special).

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Common Pleas.

Of Bail taken before Commissioners in the Country.

Pursuant to the Stat^s of 4 & 5 W. & M. c. 4.

XIV. *First*, BEFORE any Bail be taken by Virtue of the said Act, a true Copy of the Writ on Parchment shall be brought to the Commissioner before whom such Bail is to be taken; and the Recognizance or Bail-piece shall be fairly drawn and ingrossed on the said Copy, in this or the like Form as the Case shall be, *viz.*

A. B. Attorney } *The Bail are John Denn of* Form of the
for the De- } *B. in the Parish of S. in* Bail-piece.
fendant. } *the County of Y. Gent. and*
 } *Richard Fenn of the same,*
 } *Gent.*

*The Party himself in 20 l.
Each of the Bail in 10 l.*

*Taken and acknowledged }
the 10th Day of March }
in the Year of our Lord }
1692. de bene esse. }
Before me*

A. B. a Commissioner.

XV. IF the Defendant be not present,
then the Bail are usually bound in double
I the

Bail (special).

Common Pleas. the Sum in the Writ, otherwise only single.

XVI. THE Condition of which said Recognizance shall be to this Effect:

Condition of
the Recogni-
zance.

TOU (naming the Defendant if present) do acknowledge to owe to the Plaintiff 20*l.* and you (naming the Bail) do severally acknowledge to owe unto the same Person the Sum of 10*l.* a-piece, to be levied upon your several Goods and Chattels, Lands and Tenements, upon Condition, that if the Defendant be condemned in the said Action, he shall pay the Condemnation-money, or render himself a Prisoner to the Fleet for the same; and if he fail so to do, you (naming the Bail) do undertake to do it for him.

N. B. Notice of Bail being put in must be given, vide post.

Affidavit of
taking it.

XVII. Secondly, AFFIDAVIT of the due Taking such Bail shall be made either before some Judge of the Common Pleas to whom the Bail shall be transmitted, or before some Person who shall have Power to take Affidavits in Matters and Causes depending in the said Court. If sworn before a Commissioner, the Affidavit must be writ on stamp'd Paper and annexed to the Bail-piece.

Transmitting
Bail.

XVIII. Thirdly, ALL Bails taken by any Commissioner within the Distance of forty Miles from London and Westminster, shall be transmitted to one of the Justices of

Bail (special).

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of the said Court within ten Days after the Taking thereof; and if taken above the Distance of forty Miles, it shall be transmitted within twenty Days after the Taking thereof, unless all the said Justices shall be in their Circuits, and then as soon as any one of them shall return to London. *A Rule was made to the same Effect as to transmitting Bail, in Hill. 6 Geo. 1. with an Addition concerning filing, ut postea §. XXI.*

Common Pleas.

XIX. *Fourthly*, EVERY Commissioner is to have a Book kept purposely for entering the Names of the Defendant and his Bail, and the Plaintiff, as it is in the Bail-piece, and the Time of Taking thereof, and the Name of him by whom such Bail shall be transmitted.

Commissioners Book.

XX. *Fifthly*, THE Plaintiff's Attorney shall be at Liberty to repair to the Commissioner's Book for the Names of the Bail, that they may inquire after the Sufficiency of them, and if they are found insufficient, they may except against them within twenty Days after the said Bail is transmitted, and Notice to the Plaintiff or his Attorney of the Taking thereof: And in that Case the Defendant must either put in better Bail, or the Cognizors must justify themselves in open Court, either by Affidavit taken before such Commissioner that took the said Bail, or by Oath made in Court or before one of the Judges of the said Court. *Vide §. for the Time of perfecting Bail.*

Excepting a gainst Bail.

Of putting in better, or adding new Bail.

Bail. (special).

Common Pleas.

Hill. 6 Geo. 1.
Of filing Bail
when trans-
mitted.

XXI. AFTER Bail is transmitted (as before, §. XVIII.) it shall be forthwith delivered to, and filed with the proper Officer to be entred upon a Record, or otherwise it shall be as no Bail; and the Plaintiff is at Liberty to proceed on the Sheriff's Bond, as if no such Bail were ever put in; and the Defendant, in Case he be admissible to plead to the original Action, shall not be admitted so to do, unless he first pay the full Costs to the Plaintiff for the Prosecution on the Bail-Bond; and plead as of the Time when the Bail should have been duly entred.

Mic. 13 Geo. 1.

XXII. ALL Bails taken before Commissioners in the Country, and transmitted to and allowed by one of the Justices of this Court, shall be delivered to the Clerk of the Judge as shall allow the said Bail, which Clerk shall take the Fees due to the proper Officer for the Entry thereof, and shall forthwith deliver the said Bail to be filed and pay the said Fees to such proper Officer. AND every Defendant's Attorney shall give Notice to the Plaintiff's Attorney of the Taking such Bail, within four Days after the Caption thereof.

Notice of Bail
put in before
Commissioners.

This Rule recites the Rule of Hill. 6 Geo. 1. before-mentioned, and adds further that,

Mic. 6 Geo. 2.

XXIII. ALL Bails taken before any Commissioner in the Country shall be transmitted and filed with the proper Officer,

Bail-Bonds.

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Officer, according to the said Rule, and no such Bail shall be received or filed, unless transmitted within the respective Times appointed by the said Rule without Leave of this Court. *Common Pleas.*

XXIV. THE Principal rendering himself at any Time after Bail put in, and before or upon the Day of Appearance of the *Scire facias* returned *Scire feci*, or of the second *Scire facias* returned *nihil*, or in Case there shall be an Action of Debt brought upon the Recognizance against the Bail, than if the Principal shall render himself upon or before the Process returned served, no further Proceedings to be against the Bail. *Mic. 1654.* When the Principal may be surrender'd in Discharge of Bail.

Bail-Bonds.

Vide Bail XXI.

I. ACCORDING to the Statute of the 23d of Hen. the 6th, a Prisoner taken upon a *Capias* not discharged 'till he hath given a Bond to appear, unless the Plaintiff or his Attorney shall consent to take an Appearance without Bail. And in such Case the Warrant of Attorney to appear, to be subscribed or accepted by the Defendant's Attorney, and such Warrant not to be revoked, and an Attachment to be granted against the Bailiff offending herein, or against the Attorney refusing to appear or procure

Mic. 1654.
Of giving
Bail-Bonds.

Common Pleas. an Appearance, having so subscribed or accepted.

Hill. 9 Ann.
When Bail-
Bonds may be
put in Suit.

II, NO Bail-Bond taken in *London* or *Middlesex*, and by Virtue of any Process issuing out of this Court, shall be put in Suit 'till after four Days, exclusive of the Appearance-Day of every Return, upon which the said Process shall be returnable, and no Bail-Bond taken in any other City or County, by Virtue of such Process shall be put in Suit 'till after eight Days exclusive of the Appearance-Day of every such Return, upon Pain of having all Proceedings made upon such Bail-Bonds to the contrary thereof (upon Motion made to this Court for that Purpose) set aside with Costs.

*If the Bail-
Bond be regu-*

larly assigned, and put in Suit, yet the Proceedings thereon may be set aside upon Payment of Costs on Application before Rule to plead be out, by Motion of the Court, or Summons from a Judge (the Defendant having put in, and justified Bail in the original Action, and given Notice thereof to the Plaintiff's Attorney,) in Case the Plaintiff be not thereby delayed of Trial, or of obtaining Judgment against the Principal.

Note; The same Persons that were Bail for the Appearance of the Defendant, (notwithstanding their being sued on the Bail-Bond,) may be Bail to the original Action.

Bailiffs. Vide Attornies XVI.
Bail IX. Outlawries.

Bill against an Attorney, Vide Attorney XXV.

Books, Vide Demurrers.

Wringing

Bringing in the Body.

Vide Habeas Corpus III.

- I. **A**LL Rules for the Sheriff to bring in the Body of a Prisoner taken upon any Process which shall issue, or which ought to issue out of the Office of any Filazer, shall be for the Future given by the Filazer from whom such Process issued, or ought to have issued, and by none other.
- Trin. 2 W. & M. By whom Rules to bring in the Body shall be granted.*

Capiaturs. Vide Judgments XI.

Caveats. Vide Fines IV, V.

Certificates. Vide Attornies II.

Certiorari.

Vide Bail II.

- I. **A**LL Writs of *Certiorari* issuing out of this Court, directed to the Court of Pleas of the Bishop of *Ely* shall be indorsed by a Judge of this Court, with the Words * *Isle of Ely*, and the * *Insula Elien.* Name of the said Judge, before it shall

Common Pleas. be sealed; and if any Writ of *Certiorari* shall issue without such Indorsement, it shall not be allowed by the Judge of the Court of *Ely* aforesaid.

Clerks.

Vide Attachment of Privilege I. Attornies.

Mich. 1654. I. EVERY Prothonotary's Clerk to apply himself from henceforth to one Prothonotary's Office only, and to give his Attendance and make his Entries in that Prothonotary's Office.

Clerks of the Assize. Vide Posteas.

Clerk of the Errors. Vide Error.

Clerk of the Essoins. Vide Rolls.

Clerk of the Judgments. Vide Judgments IX. Posteas II.

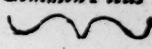
Clerk of the King's Silver. Vide Fines.

Clerk of the Treasury. Vide Issues, Record of Nisi prius. Recoveries.

Clerk of the Warrants. Vide Attachment of Privilege I, II. Attornies

Declarations.

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nies IV, XIV, XVII. *Posteas* II. *Common Pleas*
Record of *Nisi prius*. Rolls. 

Commissioners. Vide *Affidavits*.
Bail XIV, &c. *Fines* II.

Commitment. Vide *Habeas Corpus*.
Prisoners.

Costs. Vide *Affidavits* II. *Appear-*
ances VI. *Declarations* VIII. *De-*
murrers. *Habeas Corpus* XXIV.
Notices VI. *Outlawries* X, &c.

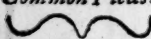
Countermands. Vide *Notices* XIV.

Custos Brevium. Vide *Recoveries* III.

Declarations.

Vide *Appearances* V. *Ejectment*.
Habeas Corpus VI, XX, &c. *Im-*
parlances III. *Non pros'*. *Orig-*
inal I. *Outlawries* XV, &c. *Pr-*
isoners. *Rules*. *Tenue* II.

I. **F**OR avoiding long and unnecessary Re- *Mic. 1654.*
petitions of the original Writ in Actions *Repetition.*
upon the Case and personal Actions upon Pe-
nal Statutes, DECLARATIONS in
Actions of Trespas upon the Case, or
personal Actions upon any general Sta-
tute,

Common Pleas.

Case.
 Personal Ac-
 tions upon
 Statutes.

tute, namely, Hue and Cry, Monopolies, and for Suits in the Admiralty, and such like, other than Debt, shall not repeat the original Writ, but only the Nature of the Action, *viz.* *A. B.* was attached to answer *C. D.* in a Plea of Trespas upon the Case, or in a Plea of Trespas and Contempt against the Form of the Statute.

Same Rule.
 Unnecessary
 Length.
Quare clau-
sum fregit.

II. DECLARATIONS upon an Original, or Bill, *Quare clausum fregit*, may mention the Place certainly, and so prevent the Use and Necessity of the common Bar and new Assignment.

Same Rule.

III. Unnecessary Length of Declarations to be forborn, and in order thereunto,

Same Rule.
 In Covenant.

IV. IN Actions of Covenant not to repeat more of the Declaration than is necessary for the Assignment of the Breach, and not to repeat the Covenant in the Conclusion.

Ditto.
 In Slander.

V. IN Actions of Slander long Preambles to be forborn, and no more Inducement than what is necessary for the Maintenance of the Action, when it requires a special Inducement or *Colloquium*.

Ditto.
 On Statutes.

VI. IN Actions upon general Statutes, the Declaration not to repeat the Statute, but to conclude against the Form of the Statute in such Case made and provided; as in Case of Debt, upon the Stat. of 2 E. 6. for Tithes, the 32 H. 8. for

Declarations.

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for Maintenance, and 21 Jac. 1. of Monopoly.

Common Pleas.

VII. ACTIONS of Debt upon a Judgment had in the Courts at *Westminster*, to recite only the Judgment. But if a Judgment had by or against an Executor or Administrator, Debt thereupon to repeat the Declaration and Judgment.

Ditto.

Of Debt on Judgments.

VIII. BEFORE the Declaration actually entered the Plaintiff may amend it, paying costs or giving an Imparance at his Election, by the Order of a Judge of the Court or Prothonotary: But after it is entered, if the Amendment be but a small Matter that doth not deface the Roll; yet before Issue or Demurrer entered it may be amended by Rule of Court upon Payment of Costs, and Liberty to plead, with a new or further Imparance.

Same Rule.

Of amending Declarations.

The usual Method of amending Declarations is by Summons before a Judge, for the Defendant, his Attorney or Agent, to shew cause why the Defendant should amend his Declaration by inserting or striking out such and such Words, or the Words mentioned in a Paper thereunto annexed. And upon hearing the Attornies on both Sides (if a reasonable Objection be not made) the Judge will make an Order, that (upon Payment of the Costs) the Plaintiff may make such Amendment.

IX. IF the Plaintiff's Attorney or Clerk delivers a Copy of a Declaration to the Defendant's Attorney or Clerk materially varying from the original Declaration,

Mic. 1654.

Of Declaration varying from the Original.

Common Pleas. tion, the Disadvantage thereof not to be cast upon the Defendant, but on the Plaintiff whose Attorney is paid for it.

Pas. 24 Car. 2. X. NO Attorney of this Court shall Of delivering receive any Declaration, unless an Ap- and receiving pearance be first entred with the Filazer, Declarations. (under the Penalty mentioned in an Act,

Appearance to be entred before delivered or received. intituled, *An Act for laying Impositions upon Proceedings in Law*). And no Attorney shall deliver or cause to be delivered any Declaration or Count to the Defendant's or Tenant's Attorney, or to any Person for him, until the Appearance (to warrant such Delivery) be duly entred with the proper Filazer, under the Penalty to be expelled the Court. Vide *Title Appearances for other Parts of this Rule*.

Hill. 9 Ann. When Declarations on special Writs to be delivered or filed.

XI. ALL Declarations to be delivered or left in the Office upon special Writs in the same Term the said Writs shall be returnable, shall be delivered or left in the Office at least four Days before the End of every Term, exclusive of the Day of the Delivery thereof, or of leaving the same in the Office.

Mic. 1 Geo. 2. Of filing Declaration where Appearance is entred *per Stat.*

* 12 G. 1. c. 29.

Notice of Declaration.

XII. IN all Cases where a Copy of the Process of this Court is served upon any Defendant or Defendants, and an Appearance is entred for such Defendant or Defendants, by the Plaintiff's Attorney, pursuant to the * *Stat.*, the Plaintiff's Attorney in such Case shall leave a Copy of the Declaration in the Office, and give Notice thereof to the Defendant or Defendants, by delivering an *English* Notice, written in

Secretary

Declarations.

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Secretary Hand, to such Defendant or Defendants, or by leaving the same at the last or most usual Place of Abode of such Defendant or Defendants signifying the Nature of the Action, at whose Suit it is prosecuted, and in whose Office such Declaration is left: And in Case of special Writs returnable the first Return of *Hill*. and *Trinity* Terms, and the first or second of *Easter* and *Michaelmas*, such Defendant or Defendants should take Notice, that unless such Defendant or Defendants plead to such Action * within four Days after the Appearance-Day of the Return of such Writ; and in Case of a common *Capias*, or any † *other* special Writ, within the first four Days of the next Term, Judgment will be enter'd against such Defendant or Defendants by Default. And from the Time of giving such Notice, Declaration shall be deemed well delivered to such Defendant or Defendants, and not otherwise. And in Case such Defendant or Defendants after such Notice given do not plead by the Time the Rules for Pleading are out, the Plaintiff may sign Judgment (a Rule to plead being first given,) without any other or further calling for a Plea, and thereon give Notice of executing his *Writ of Inquiry*, either by delivering Notice in Writing to such Defendant or Defendants, or by leaving the same at the last or most usual Place of Abode of such Defendant or Defendants; which shall be a sufficient Notice

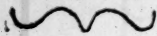
Common Pleas.

* *Vide the next Rule.*

† *i. e.* Any special Writ not returnable as before-mentioned.

Notice of Inquiry.

Common Pleas.



tice to such Defendant or Defendants of the Time of executing such Writ of Inquiry. *The Rule made last Trinity Term*, to establish the Practice of this Court upon the aforesaid Statute discharged.

Mic. 3 Geo. 2.

Declaration delivered on Process returnable the first or second Return.

XIII. UPON all Process of this Court returnable the first or second Return of any Term, if the Plaintiff declares in *London* or *Middlesex*, and Defendant lives within twenty Miles of *London*, the Defendant shall plead within four Days after Declaration delivered without any Imparlance; and such Declaration may be delivered *De bene esse*. And in Case the Plaintiff declares in any other County, or the Defendant lives above twenty Miles from *London*, the Defendant shall plead within eight Days after the Declaration delivered, without any Imparlance; and in Default of Pleading, as aforesaid, the Plaintiff may sign his Judgment.

And in further Confirmation of the above Rule afterwards ordered, that notwithstanding any Thing to the contrary in the Rule made in Michaelmas 1 Geo. 2. (See before § XII.)

Easter 2 Geo. 2.

(a) *Vide* the Rule § XIII.

XIV. ALL Declarations in *London* or *Middlesex* delivered pursuant to the Rule of this Court made last (a) *Michaelmas* Term, on Process returnable the first or second Return of any Term, where the Defendant lives within twenty Miles of *London*, shall be delivered with Notice, that the Defendant or Defendants

Declarations.

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dants plead to such Action within four Days after such Declaration delivered; and all Declarations where the Plaintiff declares in any other County, or the Defendant lives above twenty Miles from London, shall be delivered with Notice to plead within eight Days after such Declaration delivered. *Common Pleas.*

'Tis customary since this Rule was made to put the above-mentioned Notice on the Back of the Declaration thus, "The Defendant is to plead in four (or eight) Days," as the Case requires.

XV. ALL Declarations shall be delivered before nine o'Clock in the Evening. *The Rule made Mic. 8 Geo. 2. discharged.* *Easter 10 G. 2. Before what Hour to be delivered.*

XVI. DECLARATIONS, &c. shall be demanded by a Note in Writing. *Per Notice fix'd up in the Prothonotaries Offices. Mic.*

1 Geo. 2. Demanding Declarations.

Deeds. Vide Judgments II. Oyer. Verdicts II.

Demands. Vide Declarations XVI. Notices XV. Pleas IX, &c.

Demurrers.

Demurrers.

Vide Judgments IX. Notices XIII.

Mic. 1654.
 Causes to be
 specially af-
 signed.

I. ACCORDING to the Statute of 27 Eliz. upon Demurrers, the Cause to be specially assigned, and not involved with general unapplied Expressions of double, negative pregnant, uncertain, wanting Form, and the like, but to shew specially wherein, that the other Party may (as the Case shall require) either join in Demurrer, or amend, paying Costs, or discontinue his Action.

Same Rule.
 Matters of
 Form to be
 specially af-
 signed.

II. IF it be declared, that Matters of Form, as well on the Part of him that demurs, as of him that joins in all Parts of the Pleading, are discharged; unless such as are specially assigned.

Pas. 27 Car. 2.
 Of delivering
 Copies to the
 Judges.

III. ATTORNIES to deliver Copies of the Record of special Verdicts or Demurrers, to the respective Justices one whole Week at least next before the Day

*(a) In order
 to have a Day
 appointed, the
 Plaintiff deli-
 vers the Roll
 (whereon the
 Demurrer is*

(a) appointed for Argument at Bar, namely, the Plaintiff's Attorney (was to deliver) one Copy to the Lord Chief Justice, and another to the senior Judge; and the Defendant's Attorney a Copy to

entred) to the Secondary, and gets a Serjeant to move for a Consilium or speedy Day, to be heard to argue it, which the Court grants on the Secondary's Reading the Record. 1 Instr. Cler. 532.

each of the other two Judges, according to the antient Course here used, under such Penalty as the Court *should* think fit to inflict upon the Attorney neglecting his Duty therein. And no Argument by Counsel on either Side *was to* be heard at Bar, until Books *were* delivered to all the Judges. Provided nevertheless, in Case the Attorney of either *did* not deliver Books as he ought, then if the Attorney on the other Side for expediting his Client's Cause *would* deliver Books to all the Judges, three Days at least before the Argument, Counsel *should* be heard on his Client's Behalf at the Day appointed; and the Attorney delivering Books as aforesaid to be imburfed the Charges of delivering the two Books which ought to have been delivered by the Attorney of the adverse Party, which Charges the said Attorney *was* bound to pay on Demand thereof; and if the Charge of delivering the said two Books *was* not paid before Judgment, it *should* be allowed upon taxing Costs; and in that Case the Attorney *was* not to be compelled to pay the said Costs. But if no Costs *were* to be taxed in the Case, then the Attorney making Default in Delivering of Books as aforesaid, *was to* be compelled to pay the Charges of the Copies so delivered by the Attorney of the adverse Party, by Attachment, or otherwise, as the Court thought fit.

Common Pleas.

But by Occasion of great Delays in Defendants Attornies not delivering Books in due Time to the two puisne Judges, and for a greater Certainty of their being regularly delivered, it was afterwards ordered that,

Mic. 6 Geo. 2.

IV. THE Plaintiff's Attorney shall deliver all the Demurrer-Books to the Lord Chief Justice and the rest of the Justices of this Court, and the Defendant's Attorney shall pay the Plaintiff's Attorney for two of the said Books, two Days at least before the Day appointed for arguing such Demurrer, and the Defendant shall not be heard by his Counsel, when the Cause comes on to be argued, unless such Payment be made as aforesaid.

Trin. 12 Geo. 1.
Entring Causes
to be argued.

V. NO Cause in any Term to be put in the Book of this Court, to be argued after the last Day of Arguments, unless the Court here be thereupon moved, and shall order it.

Discontinuance. Vide Demurrers I.

Ejectment.

Ejectment.

Vide *Attornies* XX. *Impar lance* V.

I. PLAINTIFFS, or their Attornies, or the Parties who deliver Declarations in Ejectment in *London* and *Middlesex*, shall (a) forewarn the Tenants in Possession of the Tenements in Question respectively, that they must appear by Attorney in Court here the (b) next Term after the Delivery of the Declaration; and the Plaintiff aforesaid shall take nothing by Motion for Judgment against the casual Ejector, for Default of having appeared, unless such Motion be made within a Week next after the first Day of every *Michaelmas* and *Easter* Term. And within four Days next after the first Day of every *Hillary* and *Trinity* Term. *Yet notwithstanding this Rule, the Court on Motion will, after those Times, grant a Rule against the casual Ejector.*

Trin. 32 Car. 2.
Of delivering
Declarations
in Ejectment.

(a) *Such Notice is now always in Writing at the Bottom of the Declaration.*

(b) But in *London* or *Middlesex*, say the first Day of the next Term.

Motion for
Judgment.

II. NO Declaration in Ejectment shall be taken in, or received by any of the Secondaries of this Court, unless it be signed by some Serjeant at Law, and delivered by himself to one of the Secondaries in open Court. And the Secondaries shall, in the Morning next after

Mic. 2 Geo. 2.
Declaration in
Ejectment to
be signed by
Counsel, &c.

Common Pleas. the End of every Term, and at all other Times, when required, produce and shew to any Person who shall demand the same, their alphabetical Paper of Ejectments moved or delivered into Court, in each Term, in Manner aforesaid.

Ely. Vide Certiorari.

Error.

Trin. 28 Car. 2.
Of Execution
Non obstante
brevi de Er-
rore.

Allowing
Writs of Er-
ror.

I. NO Attorney shall make out any Executions, *Non obstante Brevi de Errore*, until they have had a Certificate from the Clerk of the Errors, that the Record is not removed, and a *Non pros'* thereupon duly signed, and that all Attornies do forthwith bring their Writs of Error by them sued out to the Clerk of the Errors, to be allowed according to the antient Practice of the Court, or in Default thereof, the Plaintiff's Attorney in the Action is, and may be at Liberty to proceed to Execution. *And likewise afterwards ordered that,*

Mic. 28 Car. 2.

II. ALL Writs of Error shall immediately be delivered to the Clerk of the Errors; and none shall be obliged to stay Execution by Reason of any Writ of Error before the Writ of Error be delivered to the Clerk of the Errors; and in Case where special Bail is required, unless the Plaintiff upon such Writ of Error within four Days after delivering thereof puts

When to put
in Bail.

puts in *Bail* according to Law, and shall obtain a *Supersedeas* thereupon, the Defendant may proceed to Execution notwithstanding such Writ of Error. *Common Pleas.*

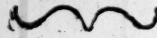
III. BEFORE any Allowance of any Writ of Error, the Defendant in the original Action shall put in Bail, not only to appear and answer to the Plaintiff in the former Suit in a new Action to be commenced by the said Plaintiff, for the Cause mentioned in the first Action, but also to satisfy the (a) Condemnation, if the Plaintiff shall begin his Suit before the End of two Terms next after the allowing the Writ of Error. *Mic. 12 Geo. 1.*
(a) *The Bail on a Writ of Error must pay the Condemnation, and Rendering the Principal will not save them.*
Cro. Jac. 402.

IV. IN all Cases where Bail shall be filed on Writs of Error, such Bail shall be perfected within four Days after Exception taken thereto, or in Default thereof, the Clerk of the Errors of this Court shall *Non pros'* such Writ of Error. *Mic. 6 Geo. 2.*
When to perfect Bail.

V. AND after the Writ of Error is duly allowed, and a *Supersedeas* thereupon obtained, no Execution shall be made for not transcribing the Record in the King's Bench, without a Certificate in Writing from the Clerk of the Errors, that the Plaintiff in Error made Default in transcribing the Record in the King's Bench according to the Rule of Court first of Course given. *Mic. 28 Car. 2.*

Executions. Vide Error. Prisoners.
Writs.

Common Pleas.

 **Exigent.** Vide Attachment of Privilege II. Outlawries.

Fees. Vide Appearance IV. Attachment of Privilege II. Bail XXII. Fines V. Habeas Corpus XIX. Outlawries III. Postea III. Prisoners XXI, XLV, &c. Recoveries. Trials V.

Feme Coverts. Vide Fines IV.

Filazers. Vide Appearances. Attachment of Privilege II. Bail X. Bringing in the Body.

Fines.

Vide Recoveries I.

Hill. 13 Geo. 1.
Of acknow-
ledging Fines.

I. **N**O Fine whatsoever, taken and acknowledged before any Commissioners, by Virtue of any Writ of *Dedimus potestatem* to them directed, be allowed to pass, unless some Person present when such Fine was taken and acknowledged, do personally appear before the Lord Chief Justice, or some other Justice of this Court, and be examined upon Oath,

Oath, touching the due Execution thereof, and particularly whether such Person knows the Parties acknowledging such Fine.

Common Pleas.

II. NO Fine whatsoever taken and acknowledged before any Commissioners, by Virtue or Colour of any special *De-dimus potestatem* to them directed, to pass the *Queen's* Silver Office, and the *Queen's* Silver of such Fine be recorded, unless Oath be made before the Lord Chief Justice or some other Justice of this Court, of the due Execution of the said Fine, and also of the Day and Year when each Conusor so executed the same, where a Rasure in the Day or Year shall appear in the Caption thereof *; and no Fine so acknowledged before such Commissioners in Case of such Rasure, be received and entred by the Clerk of the *Queen's* Silver, before there be an *allocatur* reciting the Day and Year of each particular Conusor's Acknowledgment, under the Hand of the said Lord Chief Justice or some other Justice of this Court, for the Passing of the said Fine first had and obtained. AND no Fine whatsoever taken and acknowledged before the said Lord Chief Justice or any Judge of Assize, or Serjeant at Law, if the Date of the Caption of such Fine shall appear to have been rased, do for the Future pass the *Queen's* Silver Office, and the *Queen's* Silver of such Fine be

Easter 9 Annae,
To prevent
Rasures in the
Day and Year
in the Cap-
tions of Fines,
taken before
Commissioners.

* Vide The
last mentioned
Rule made
since this, of the
Manner of ac-
knowledging
Fines before
Commissioners.

Or, before a
Judge.

Common Pleas.

recorded by the said Clerk, before there be an Order under the Hand of the said Lord Chief Justice, or some other Justice of this Court, for his Passing and entring such Fine first had and obtained. AND after any Fine whatsoever shall have passed the said Office, and the Queen's Silver of such Fine be recorded, neither the *Præcipe* or Caption of any such Fine or Writ of *Dedimus potestatem*, or Writ of Covenant, by which any such Fine be passed, shall be rased or altered before there be an Order under the Hand of the said Lord Chief Justice, or some other Justice of this Court, for the doing thereof, and for the Amending all Entries made from such Writs first had and obtained.

Pas. 6 W. & M.
A Note of the Parties and Parcels, &c. to be left at the Return-Office when Fines are in London or Middlesex.

III. NO Writ or Writs of Covenant upon any Fine or Fines whatsoever of any Messuages, Lands or Tenements, or of Rents issuing out of them, lying or being, or which shall therein be mentioned to lie or be within the City of London and the Liberties thereof, or within the said County of Middlesex, or either of them, whether the same shall be of Messuages, Lands or Tenements in the said City and County, or either of them singly, or joined, with any other Messuages, Lands or Tenements in any other City or County, shall be returned by the Clerk for the Return of the said Writs of Covenant for the Time being, until

until the Attornies who shall prosecute such Fines, shall give a Note or Notes in Writing to the said Clerk, for his Deputy, as well of the Person's Name and Place of Habitation who is really and properly Attorney to the said Fine or Fines, as of their own Names and Places of Habitation, as also of the particular Street, Lane, or Place where such Messuages, Lands or Tenements, or Rents issuing out of the same, are situate; and of the Person or Person's Name or Names who is, or are in Possession of such Messuages, Lands or Tenements, or who is, or are to pay the Post-Fines thereupon due unto their Majesties. And the Clerk for the Return of the said Writs of Covenant, his Deputy or Clerk, and all Attornies of this Court, and others concerned therein, shall take Notice from Time to Time of the due Execution hereof; and the Clerk for the Return of the said Writs of Covenant, his Deputy or Clerk, shall keep such Notes or Writings on a File, and do upon Application unto him or them made by the Secondaries of the Counters in *London*, and the Under-Sheriff of *Middlesex*, or any of them, give unto them or any of them requesting the same from Time to Time, or suffer them to take an Account in Writing thereof, according to the Account by him or them taken in Pursuance hereof.

IV. For

Common Pleas.

Hill. 28 & 29

Car. 2.

Method of
preventing
the Passing of
Fines illegally
acknowledg-
ed.

IV. FOR preventing the Passing of Fines acknowledged by Infants, or Feme Coverts without the Consent of their Husbands, or Persons of Non sane memorie, or otherwise disabled in Law. ALL Rules heretofore made for staying any Fine upon any such Suggestion or Occasion as aforesaid, were to be renewed or continued, and Copies thereof left with the *Custos Brevium*, Clerk of the King's Silver and Chirographer, before the End of Easter Term (*then*) next. And for the Future all Persons making any Complaint against such Fines acknowledged by Persons so disabled as aforesaid, or by any Person in the Name of another, or by the like Deceit, shall from Term to Term enter and continue the Rule, or leave Copies thereof with the said respective Officers, that the same may thereby be the better taken Notice of, or in Default thereof the said Officers not to stand further obliged thereby, and all Persons concerned in obtaining such Rules, their Attornies or Clerks are hereby enjoined every Term to search and see the Books and Entries of Fines with the Clerk of the King's Silver, or other Officers where Entries are made for that Purpose: And for the Future all Manner of *Caveats* and Orders for stopping Fines and Recoveries, to be renewed every Term, or else to lose their Force. *But afterwards it being represented by the Clerk*
of

of the King's Silver, that it was impossible *Common Pleas.*
 to stop such Fines by Reason of the Multi-
 tude of old Orders, that he knew not which
 were in Force or which determined, it was
 ordered that for the Future.

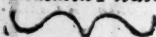
V. ALL Manner of *Caveats* and Or- *Paf. 29 Car. 2.*
 ders for the Stopping any Fines, shall be
 renewed every Term, and Copies there-
 of left with the Clerk of the King's Sil-
 ver, for which he is to demand only his
 antient Fee of 3 s. and 4 d. the Term as
 aforesaid, and in Default thereof all *Ca-*
veats that shall not be so renewed, shall
 lose their Force and be void.

Forejudger. Vide *Attornies XXV,*
XXVI. Attachment of Privilege.

Gaolers. Vide *Prisoners.*

Habeas Corpora. Vide *Trials.*

Habeas



Habeas Corpus.

Vide Bail II. Prisoners.

To Sheriffs and Gaolers.

Mic. 1654.
Habeas Corpus
cum causa ad
faciend. & re-
cipiend. how
made return-
able.

Same Rule.

Same Rule.
When to
bring the
Body.

Same Rule.

I. **A** Habeas Corpus cum causa ad faciendum & recipiendum, directed to any Sheriff, (other than London or Middlesex) not to be returnable *immediatè*, or in the Vacation-time, but at a Day certain in Court in the Term.

II. SUCH Habeas Corpus to the Sheriff of London or Middlesex, may be granted in Term or Vacation-time returnable *immediatè*.

III. IN Case of Habeas Corpus returnable *immediatè*, the Sheriff ought to make his Return the same Day that the Writ is delivered, and to bring the Body immediately as is required by the Writ, without permitting him to wander abroad by Colour or Pretence thereof.

IV. WHERE a Writ of Habeas Corpus is directed to a Sheriff, Warden of the Fleet, Marshal or other Gaoler, the Prisoner is to be brought in Custody according to the Writ at the Day limited, without being permitted to wander abroad in the mean Time upon Pretence of such Writ.

V. A

V. A *Habeas Corpus ad Respondendum* may be granted to the Warden of the Fleet, or to the Keeper of an inferior Prison of a Liberty or Franchise, where a *Capias* is returned in Court *Non est inventus*; such Writ to recite shortly the *Capias*, and to be returnable at a Day certain in Court, and to be a good Cause of Detainer, as well as where a *Capias ad respondendum* comes to a Sheriff.

Common Pleas.

Same Rule.

Habeas Corpus ad respondendum, to whom granted, and how returnable.

VI. IF a *Capias* be returned in Court *Non est inventus*, against a Prisoner in the Fleet, he is compellable to appear upon a *Habeas Corpus ad respondendum*, as well at the Suit of a Stranger, as at his Suit whereupon he is imprisoned, and to answer to a Declaration according to the Rules of the Court, or that Judgment be entred against him.

Same Term.

Appearance to a *Habeas Corpus ad respondendum*.

VII. A *Habeas Corpus ad Satisfaciendum* may be granted to the Warden of the Fleet, or to such inferior Gaoler, (as a *Habeas Corpus ad Respondendum* before-mentioned) returnable in Court at a Day certain, and the Number of the Roll of the Judgment to be indorsed upon the Writ by the Attorney who sues it out; and such Writs to be a Cause of Detainer.

Same Rule.

Habeas Corpus ad Satisfaciendum, to whom granted, and when returnable.

To inferior Courts.

VIII. WRITS of *Habeas Corpus*, directed to inferior Courts of London, Westminster, Southwark, and other Courts within

Mic. 1654. and

Hill. 13 & 14

Car. 2.

When to be made returnable.

Common Pleas. within five Miles of London, may be returnable *immediatè*. *Vide first Part, Title Habeas Corpus, § I. in the Notes.*

In general.

Mic. 1654. IX. ALL Habeas Corpus's returnable
Hill. 13 & 14 in Court shall be returnable at a Day
Car. 2. certain.

Commitment on Habeas Corpus.

Mic. 1654. X. IF upon a Habeas Corpus the Pri-
When charged soner be returned charged with Process
with other out of the Upper Bench or Exchequer,
Causes. and out of the Common Pleas, the Prisoner may be committed with those Causes.

Same Rule. XI. IF upon a Habeas Corpus *cum causa*, the Prisoner be returned charged with a Process out of the common Bench, tho' returnable at a Day to come, the Prisoner may be committed with his Cause.

Same Rule. XII. UPON every Commitment by
One of the a Judge out of Court, the Prosecutor of
Prothonotary's the Habeas Corpus is to have one of the
Clerks to Prothonotary's Clerks present at the turning
attend on over the Prisoner, that the Commit-
Commitment. ment may be duly entred and filed.

Habeas Corpus.

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Common Pleas.

Bail on Habeas Corpus.

XIII. IF upon a *Habeas Corpus*, or *Cepi Corpus*, the Party be returned in Custody andailable, and special Bail requirable, the Bail not to be taken absolutely without Consent of the Plaintiff or his Attorney, and if taken *de bene esse*, the Prisoner not to be discharged 'till the Bail be assented unto, or the Plaintiff over-ruled in Court to accept the same upon Examination.

Mic. 1654.
Prisoner not to be discharged on Bail not assented to, &c. by Plaintiff or his Attorney.

XIV. UPON a *Habeas Corpus*, IF the Defendant *intended* to be bailed, then within four Days after Allowance of the Writ, Notice *was* to be given in Writing of the Names and Addition of the Bail, the Time when, and the Judge before whom the same *was* intended to be put in, to the Plaintiff or his Attorney, but if they *were* not to be found, then the said Notice *was* to be left with the Chief Clerk of the inferior Court, or his Deputy by the Party that *tendered* the Bail, or his Attorney, and Oath *was* to be made thereof, otherwise the Bail not to be taken, and a *Procedendo* might be granted if desired before Bail accepted.

Mic. 1654.
Hill. 13 & 14
Car. 2.
Notice of Bail put in on Removal from an inferior Court.

XV. IF Bail in such Case *was* not put in within eight Days after the *Habeas Corpus* allowed in those (i. e. *inferior*) Courts when it is returnable *immediate*, a *Procedendo* might be granted by any Judge of this Court.

Mic. 1654.
Hill. 13 & 14
Car. 2.
When Bail to be put in.

XVI. BAIL

Common Pleas.

Mic. 1654.

Hill. 13 & 14

Car. 2.

When taken

De bene esse.

When to be

excepted a-

gainst, or it

may be filed.

Mic. 1654.

Hill. 13 & 14

Car. 2.

When it must

be filed.

Mic. 1654.

Hill. 13 & 14

Car. 2.

Rule to put in

Bail.

Mic. 1654.

Hill. 13 & 14

Car. 2.

Bail taken of

a Person in

Custody.

Mic. 1654.

Hill. 13 & 14

Car. 2.

Bail taken of

a Person in

Custody.

Mic. 1654.

Hill. 13 & 14

Car. 2.

Bail taken of

a Person in

Custody.

Mic. 1654.

Hill. 13 & 14

Car. 2.

Bail taken of

a Person in

Custody.

Mic. 1654.

Hill. 13 & 14

Car. 2.

Bail taken of

a Person in

Custody.

XVI. BAIL taken in the Absence of the Plaintiff or his Attorney, to be taken *De bene esse*, and if no Exception be taken within twenty Days after Notice given to the Plaintiff or his Attorney of the Names of the Bail, and before whom taken, then upon Oath made of such Notice the Bail to be delivered out to be filed.

XVII. IF Bail upon a *Habeas Corpus* be taken before a Judge at his Chambers, and not excepted against, if not filed within four Days after the twenty Days, a *Procedendo* may be granted upon Certificate that it is not filed.

XVIII. IN Term-time the Plaintiff in the inferior Court may speed the Defendant to put in, or to file his Bail by Rules given in the Bill of Pleas; and if not filed according to the Rules, upon Certificate thereof, a *Procedendo* to be granted.

XIX. UPON Bail taken of a Person in Custody, the Judge's Clerk to deliver the Bail to the Prothonotary, to be filed, if assented unto; and to that End the Prothonotary's Fees to be deposited, but the Prisoner not to be discharged, until the Bail be assented unto, or over-ruled in open Court.

N. B. *In what Cases Bail on Habeas Corpus are not liable. Vide post.*

Habeas Corpus.

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Common Pleas.

Of Declarations.

XX. IF Bail be given upon a Removal by *Habeas Corpus*, the Original to be shewn upon tendring the Declaration, otherwise the Bail is not liable; unless the Party or his Attorney will voluntarily appear, or take a Declaration without shewing it.

Mic. 1654.
Delivering
Declaration,
and when Bail
not liable.

XXI. IN Case of a Removal out of an inferior Court, the new Original to agree with the Nature of the Action, the Sum in Demand, and the County, otherwise the Bail not liable; but if the Party will voluntarily appear to such varying Original, to be good as to the Party; but if upon a Cause removed by *Habeas Corpus*, out of the Courts of *Canterbury, Southampton, Hull, Litchfield* or *Pool*, which are Counties where the Judges of *Nisi prius* seldom come, if the Action be transitory it must be laid in the County of *Kent, Southampton, York, Stafford, or Dorset*, where the Town and County lieth, and the Recognizance to be taken accordingly.

Same Rule.
Where the
Venue to be
laid when re-
moved out of
Canterbury,
Southampton,
Hull, Litch-
field or Pool.

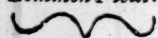
XXII. IF any Person be committed to the *Fleet* by *Habeas Corpus* in *Hillary* Term or Vacation, unless the Plaintiff bring such Prisoner to the Bar by *Habeas Corpus*, and declare against him within six Days after *Trinity* Term begun, such Prisoner may be discharged by *Superse-
deas*, to be issued of Course out of the

Hill. 14 & 15
Car. 2.
Time of De-
claring on
Commitment
to the *Fleet*,
in *Hillary*
Term or Va-
cation.

L.

Pro-

Common Pleas.



* i. e. *Plaints of inferior Courts removed by Habeas Corpus.*

Upon Commitment in *Easter Term* or Vacation.

In *Trinity Term* or Vacation.

When to declare after Appearance and *Superfedeas*.

Prothonotary's Office of this Court where the Commitment of the said Prisoner with his Causes is entred, so as such Prisoner first enter his Appearance by Attorney with the said Prothonotary in Case of an Attachment of Privilege or of a *Plaint* *, or with the Filazer upon other Process returnable in this Court: And do bring a Certificate under the Hand of the Warden or Clerk of the *Fleet*, that no Proceedings by *Habeas Corpus* have been had against him within the Time aforesaid. AND if committed to the *Fleet* in *Easter Term* or Vacation, unless the Plaintiff bring such Prisoner to the Bar by *Habeas Corpus*, and declare against him within six Days after *Michaelmas Term* begun, such Prisoner shall be discharged in Manner aforesaid. AND if committed to the *Fleet* in *Trinity Term* or Vacation, unless the Plaintiff bring the Prisoner to the Bar by *Habeas Corpus*, and declare against him before the End of *Michaelmas Term* following, such Prisoner may be discharged as aforesaid. AND if committed to the *Fleet* in *Michaelmas Term* or Vacation, unless the Plaintiff bring the Prisoner to the Bar by *Habeas Corpus*, and declare against him within six Days after *Easter Term* begun, such Prisoner may be discharged in Manner aforesaid: And the Plaintiff may declare upon such Appearance entred the next Term after such Appearance or *Superfedeas* granted; and the Attorney appear-

Habeas Corpus.

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appearing for such Prisoner shall be bound *Common Pleas.*
to take a Declaration, and not afterwards.

Of Pleading, &c.

XXIII. *FOR the Certainty of the Practice in Proceedings to be had against Prisoners in the Fleet by Virtue of this late Act of Parliament*; IN Case any such Prisoner shall hereafter be brought to the Bar by *Habeas Corpus* returnable at any Day certain being before the Day of Appearance of the third Return of any Term, and the said Prisoner names an Attorney who shall appear for him at the Suit of the Plaintiff in the Action, the Defendant is compellable to plead by the last Day of the said Term, to a Declaration delivered to the said Attorney, if the Plaintiff give a Rule for him so to do. But where any Prisoner is brought to the Bar, by such Writ returnable after the Day of Appearance of such third Return of any Term, the Defendant of Course to have Imparlance until the next Term following. But if such Prisoner refuse to nominate an Attorney to appear for him, then he is to plead within eight Days according to the said Act, provided there be eight Days after the Return of the *Habeas Corpus* to give a Rule to be out within the Term. AND after Issue joined, ten Days Notice at the least exclusive of the Day of giving such Notice

Same Rule.

Time of Pleading when Defendant appears by Attorney.

And when on Refusal to appear by Attorney.

Notice of Trial.

Common Pleas. be given to the Defendant (being actually in the Prison of the *Fleet*) of the Time of Trial of such Issue to be had.

Mic. 1654.
Costs.

XXIV. UPON a Cause removed by *Habeas Corpus* out of an inferior Court, having Jurisdiction of the Cause, if Judgment be given for the Plaintiff, the Costs below to be considered and cast into the Judgment; if for the Defendant the Charge of putting in Bail.

Imparlances.

Vide Declarations XIII, &c. Judgments V.

Pas. 24 Car. 2.
Appearance to be entred before Imparlance.

I. NO Defendant shall be permitted to imparl 'till Appearance is entred.

Mic. 1654.
In what Time Imparlance entred.

II. PLAINTIFFS in special Actions may enter their Imparlances in the Term following, entring the same the first Term with an *Incipitur*, as it hath been usual in *Quare Impedit*; but all other Imparlances to be duly entred before any Issues, Demurrers or Judgments thereupon be entred.

Same Rule.

III. IF the Defendant appears the first Term, and gives no Rules to declare, the Defendant's Attorney may the second Term be compelled to accept a De-

Imparlances.

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Declaration with Imparlance, and the Declaration may be entred as of that Term, with an Imparlance over to the next Term, or in the first Term with an *Incipitur*, as before, as the Case shall require. *Common Pleas.*

IV. UPON a meer Real Action, or a bare *Clausum fregit*, an Imparlance of Course. But in Dower after a View had, if the Day to appear be upon the first Return of any *Hillary* or *Trinity* Term, no Imparlance without Consent or Rule of Court. *Same Rule.* When of Course. And when by Rule of Court.

V. IN Ejectment or any Personal Action, if the Appearance be the first Return of *Hillary* or *Trinity* Term, no Imparlance without Consent or special Rule, other than in *London* or *Middlesex*. If the Appearance be before *Craftin'* *Martin'* or *Mens' Pas'*, no Imparlance without Consent or special Rule. But if upon or after those Returns, an Imparlance of Course. *Same Rule.*

VI. IN *London* or *Middlesex*, if the Appearance be before *Craftin' Ascen'*, or before the last Return of any other Term no Imparlance without Consent or special Rule; but the Defendant to plead as of that Term within fourteen Days after the End of the Term, upon Rule given to answer; but if of *Craftin' Ascen'* or the last Return, then an Imparlance of Course. *Same Rule.*

L 3

VII. ALL

Common Pleas.

Trin. 21 Car. 2.

How entred.

VII. ALL Attornies and Clerks of this Court to enter Imparlanes or *Incipiturs* in all Causes according to the antient Usage of this Court, the Want thereof where Imparlanes ought to be entred, to be a sufficient Cause for the Defendant to have a farther Imparlance of Course. And no common Rule to plead to be given in any Cause where Imparlanes or *Incipiturs* ought to be, and are not entred upon Record in any of the Prothonotaries Remembrances, until the Prothonotary in whose Office the Cause is, shall give Allowance for the giving such Rule to plead.

N. B. *Imparlanes* in C. B. are not entred in Form as in B. R. (except when the Proceedings are against an Attorney), for where a Declaration is delivered or filed, and the Plaintiff is not intitled to a Plea that Term; 'tis usual only to write the Word *Imparlance* at the Bottom of the Declaration, and when the Issue is made up no Notice is taken of it in the Entry, &c. but the Plea comes immediately after the Declaration.

Infants. Vide *Fines* IV.

Inquiry. Vide *Declarations* XII.
Judgments IX. Notices.

Issues.

Issues.

Vide Notices. Record of Nisi prius.
Rolls VIII.

I. **C**omplaint having been made by the Clerk of the Treasury and the rest of the Clerks there, that Practicers often made up their Issues of Terms in which they were not joined, and thereby defrauded the said Officers of their Fees, therefore ordered that, EVERY Issue shall be entred on Record of the Term in which it was joined, notwithstanding any Consent given by the Attornies, or their Agents, on either Side, to the contrary. And whosoever shall offend in Breach of this Rule, shall be adjudged guilty of a Contempt and be punished accordingly. AND the Clerk of the Treasury may require any Person suspected of such illegal Practice as aforesaid, to produce such Proceedings in the Cause, as the said Clerk of the Treasury shall think necessary for the better discovering when Issue was actually joined.

*Hill. 11 Geo. 1.
Of what Term
made up and
entred on the
Roll.*



Judgments.

Vide Declarations, XII, &c. **Motions. Pleas. Prisoners. Warrants.**

Mic. 1654.
Where Rule
to plead be-
fore Judg-
ment.

I. **N**O Judgment by *Nilil dicit* to be entred until there be a Rule to plead, first given in that Prothonotary's Office where the Cause is entred, and the Day of such Rule be past.

Mic. 1654.
Where Deeds,
&c. to be
shewn before
Judgment
signed.

II. **W**HEN a Deed, Will, or Letters of Administration are to be shewn in a Declaration, the Attorney for the Plaintiff delivering a Declaration with a Subscription, the Defendant shall not be compelled to plead 'till the same be shewn, no Judgment by *Nilil dicit* to be entred against the Defendant 'till the same be shewn; nor any *Nonsuit* upon the Plaintiff, if he shew the same before the End of the next Term.

Same Term.
Where Mo-
tion before
Judgment.
* *Vide Title*
Ejectment.
Same Rule.

III. **I**N Cases of popular Actions and Informations, or real or mix'd Actions, except * Ejectments, no Judgment to be entred by Default, or *Nil dicit*, without Motion in Court.

IV. **U**PON *Nul tiel Record* pleaded, and no Difficulty or Variance appearing, Judgment be entred after Rule, without Motion.

V. A F-

Judgments.

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V. AFTER any Impar lance of three Terms, without any calling for Answer no Judgment to be entred without a Term's Notice.

Common Pleas.

Same Rule.

Where a Term's Notice.

VI. NO Judgment whatever (except final Judgments upon *Posteas*, *Writs of Inquiry*, and *Non pros**) shall be signed by any of the Prothonotaries unless the Stamp of the Clerk of the Warrants be first impressed on the Paper whereon such Judgment is to be signed, whereby it may appear that Warrants of Attorney are duly filed.

Mic. 5 Geo. 2.

VII. SIXTEEN Days allowed for signing Judgments after every Term, except *Easter Term* upon Causes depending in the Term precedent. But Judgment may be signed at any Time either in Term or Vacation, when the Plaintiff is intituled to it pursuant to the late Rules, which see under the Titles *Declarations* and *Pleas*.

Mich. 1654.

Time allowed for signing Judgments.

VIII. Whereas by an Act of this present Parliament, (viz. 29 Car. 2.) the Day and Tear of signing Judgments (without Fee) shall by the Person who signs such Judgment be set down upon the Paper-Book *, which Day of the Month and Tear shall be also entred upon the Margent of the Roll, whereon such Judgment shall be entred. IN Pursuance of the said Act, the respective Attornies and Clerks of this Court, that shall procure any Judgment to be signed as aforesaid, shall at the

Trin. 29 Car. 2.

Of setting down the Day of signing Judgments.

* i. e. The Judgment-Paper.

Common Pleas. the bringing in their Rolls produce the respective Paper-Books whereon such Judgments are signed, that the Prothonotary may examine if the Day and Year in the Margin of each Roll agree with the Day and Year signed by the Prothonotary on the Paper-Book.

Same Rule. IX. AND upon signing Judgments upon *Posteas*, *Writs of Inquiry*, *Special Verdicts*, *Demurrers*, *Nul tiel Record*, *Relicta verificatione*, and such like, they shall forthwith be delivered over to the respective Clerks of the Judgments, so that the Days when signed may be drawn up in the Judgment-Papers in each Prothonotary's Office, that the same may be entred on the Margin of the Roll whereon the Judgment is entred.

Same Rule. X. JUDGMENTS by Confession, either by *Non sum informatus* or *Nil dicit*, not to be signed, unless brought to be signed within twenty Days after the End of *Trinity*, *Michaelmas* or *Hillary* Terms, and at or before the first Day of *Trinity* Term, unless the Attorney or Clerk do produce to the Prothonotary a Warrant of Attorney that bears Date after the End of every such Term, and then such Judgments on such Warrants may be signed at or before the *Essoin-Day* of every succeeding Term, and not after. But see § VII.

Mic. 1654. XI. IN a Judgment by *Non sum in-*
Of Capiaturs. *formatus*, or *Nil dicit* in *Ejectione firmæ*,
the

Male-Practice.

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the *Capiatur* to be entred upon the first Judgment. *Common Pleas.*

XII. ALL Judgments signed in Causes depending in this Court, shall be signed in the Office of one of the Prothonotaries of this Court, and not elsewhere. *Mic. 6 Geo. 2.*
In what Office to be signed.

Jury. Vide Male Practice. Trials III.

Keeper of the Seal. Vide Attachment. Of Privilege II.

Lunaticks. Vide Fines IV.

Male Practice.

Vide Attornies V, X.

I. A Jury of able and creditable Officers, Clerks and Attornies, once in three Years are to be impanelled, and sworn to inquire. *Mic. 1654.*
A Jury to inquire into Abuses, &c.

1. Of Points usually inquirable by the Writ, viz. Falsities, Contempts, Mispri-
sons and Offences.

2. Of

Common Pleas.

2. Of such as have been admitted Attornies or Clerks, and are notoriously unfit, their Names to be presented to the Court, and they to be punished or removed, as the Case shall require.

3. Of new or exacted Fees, and of those that have taken them, under whatsoever Pretence, and to prepare and present a Table of the due and just Fees, that the same may be fixed and continue in every Office; and likewise for the Fleet.

Same Rule.

II. AND that some Persons be in-joined and sworn to give Evidence, viz. some Clerks of the Court, and some Attornies in every County, not excluding others.

Motions.

Vide Bail-Bonds II. Ejectment.
Judgments III, IV. Notices VI.

*Per Notice fix'd
up in the Pro-
thonotary's Of-
fices. Mic.
2 Geo. 2.
Enlarging
Rule on Mo-
tion.*

I. ATTORNIES of this Court are desired to take Notice, that the Court will enlarge no Rule for shewing Cause, unless Notice be given of Motion to enlarge such Rule, and Affidavit made of such Notice. And likewise, that the Court will not set any Judgment aside for Irregularity, unless Motion be made to the Court for that Purpose, before a Writ of Inquiry executed.

De

Ne recipiatur. Vide **Recipiatur I.**
Trials II.

Non pros'.

Vide **Error IV.**

I. **I**N all Actions, except Replevin, a *Mic. 1654.*
Nonfuit for Want of a Declaration Declaration to
not to be entred, (tho' the Rule to de- be demanded
clare is out) unless the Plaintiff or his before *Non*
Attorney (if to be found) be first called on *pros'* signed.
for a Declaration.

II. **I**F the Plaintiff's Attorney being *Same Rule.*
called on for a Declaration cannot after- How to save
wards find the Defendant's Attorney or a Nonfuit,
Clerk to save a Nonfuit, he may leave when.
the Declaration in the Prothonotary's Of-
fice where the Rule (*to declare*) is given.
And in any Case where a Declaration is
left in the Office, no Nonfuit for Want
of a Declaration to be entred.

III. **I**F the Plaintiff's Attorney or *Same Rule.*
Clerk *was* called on for a Declaration, When *Non*
and *did* not deliver it to the Defendant or *pros'* might
his Attorney some Time during that formerly be
Term, then the Rule being out, the De- signed.
fendant's Attorney *might* enter a Nonfuit.

IV. **I**F a Writ *was* returnable *quing;* *Same Rule.*
Pasc' or the last return of any Term,
the Defendant giving a Rule and calling
for

Common Pleas. for a Declaration, if Declaration *was* not delivered according to the former Directions, four Days or more before the Effoin-Day of the ensuing Term, he *might* enter a Nonfuit, tho' above sixteen Days after the preceding Term. *But there having been divers Disputes, as to the Time of Signing Non pros' for Want of Declaration, for reducing the Practice to a Certainty, it was afterwards ordered that,*

Hill. 9 Ann.
The Time of
Signing *Non*
pros' according
to the present
Practice.

V. UPON all Procefs returnable the first or any other Return in any Term, the Plaintiff shall have Liberty to the End of the next ensuing Term to deliver his Declaration to the Defendant's Attorney or of leaving the same in the Office, and the Defendant's Attorney having entered his Appearance with the proper Officer, as of that Term in which the Procefs is returnable; and at the End of the ensuing Term, or in four Days after the End thereof, having given a Rule to declare in the proper Office, and having called on the Plaintiff's Attorney or Clerk in Court (if he can be found,) the Defendant any Time in the Vacation of such ensuing Term, after the Rule for declaring is out, may sign his *Non pros'* for Want of a Declaration, and not afterwards, and the Plaintiff shall not without the Leave of the Court have any longer Time to declare in than as above-said, other than the Time to be limited by the Defendant's Rule; any Rule or Practice

Notices.

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Practice to the contrary thereof notwithstanding. *Common Pleas.*

VI. DECLARATIONS, &c. shall be demanded by a Note in Writing. *Per Notice fix'd up in the Offices. Mich.*

1 Geo. 2. Declaration to be demanded in Writing.

VII. IF the Plaintiff declare not the second Term, tho' the Defendant give no Rules, yet a Nonsuit may be entred at the End of the second Term upon a Continuance over by him entred by *dies datus*, but not the third Term, or after. *Mic. 1654. Where Non pros' may be signed tho' no Rule given.*

Nonsuit. Vide Judgments II. Non pros'.

Notices.

Vide *Bail XX, XXII. Declarations XII, XIV. Habeas Corpus XIV, XXIII. Motions. Prisoners XI, XII.*

I. **N**OTICES of Trials or Inquiries in *London* or *Middlesex* (the Defendant dwelling within forty Miles of *London*) to be eight Days exclusive of the Day wherein Notice is given. *Mic. 1654. When 8 Days Notice of Trial, or of Inquiry in London or Middlesex.*

II. IF the Defendant lives above forty Miles distant from *London*, Notice of such Trials and Inquiries in *London* or *Middlesex* to be fourteen Days exclusive of the Day of Notice. *Same Rule. When 14 Days Notice in London or Middlesex.*

III. *Eight*

Common Pleas.

Same Rule.

What Notice of Trial or Inquiry must be in the Country.

Same Rule.

When new Notice of Trial is to be given in the Country.

Same Rule.

When in London or Middlesex.

Same Rule.

Of Costs for not Proceeding to Trial according to Notice.

Same Rule.

Notice of Trial by *Proviso*.

III. *Eight Days* Notice exclusive to be given upon Trials in the Country, and upon Writs of Inquiry of Damages in Writs of Dower and Waste, and all other Inquiries of Damages.

IV. IF the Plaintiff give Notice of a Trial, and he proceed not, the Plaintiff not to take it down to Trial again without new Notice to be given, as is before expressed, unless by Consent or Rule of Court.

V. BUT in *London* or *Middlesex*, if Notice be given of a Trial for one Sitting, and the Plaintiff be not provided to proceed: If he give Notice before that Sitting, that he will try it the next Sitting, that to be held convenient Notice.

VI. IN Case of such Warning and no Proceeding, the Defendant upon Motion to have his Cost of his former Attendance, to be taxed by the Prothonotary; unless the Plaintiff give the Defendant Warning in convenient Time, that he would not proceed; or shew Cause to be allowed by the Court in Excuse of such Costs.

VII. IF the Plaintiff give Notice of Trial and proceed not, the Defendant may take it by *Proviso*, according to Law, giving Notice eight or fourteen Days as the Case requireth, as aforesaid,

VIII. IN

VIII. IN *London* or *Middlesex*, if no *Common Pleas.*
Warning for a Trial, then the Defen-
dant not to take it by *Proviso*, to try it
the same Term; but afterwards he may
take it by *Proviso*, giving eight or four-
teen Days Notice, as the Case requires. *Same Rule.*

IX. IF Notice be given to the Attor- *Same Rule.*
ney of the adverse Party of a Trial upon
an Issue joined, it be taken to be good
Notice: And Oath made of Want of
Notice to the Attorney, to turn the
Proof Notice given to the Party, upon
him that brought it down to Trial in that
Case.

X. IF an Issue be joined above a *Same Rule.*
Year since in any Case, then one Term's
Notice to be given of the Trial. *Where a*
Term's No-
tice must be
given of Trial.

Note; It must be given before the Es-
soin-Day of the Term.

XI. IN all Cases where the Plaintiff *Trin. 2 Geo. 1.*
concludes *ad patriam*, the Defendant's
Attorney or Clerk in Court, shall be *Notice of*
Trial tho'
Issue not
joined.
bound to accept of Notice of Trial upon
the Back of such Pleading, whether the
same be delivered to the Defendant's At-
torney or Agent, or left in the proper
Office, where the same may be left by
the Course of the Court: And such No-
tice of Trial so given, or left as afore-
said, shall be as good and effectual, as if
Issue had been actually joined.

This Rule was made to prevent Delays
in trying Causes where the Plaintiff in Plead-
ing concludes ad patriam, the Defendant not
being obliged to join Issue, or demur 'till a
M fourth

Common Pleas. fourth Day Rule to rejoin, &c. is expired. And afterwards it being observed, that notwithstanding the said Rule Plaintiffs were delayed by Reason of Defendant's Attornies not being obliged to take the like Notice of executing Writs of Inquiry; therefore it is ordered that,

Hill. 6 Geo. 1.
When Notice of Inquiry must be accepted from the Time of Notice of Trial.

XII. IN every Cause where the Plaintiff concludes *ad patriam*, and giveth Notice of Trial upon the Back of his Pleading, if the Defendant doth not join Issue on such Pleading before the Rule be out, in every such Case after Judgment obtained, the Defendant's Attorney shall be obliged to accept of Notice of executing a Writ of Inquiry, from the Time that Notice of Trial was given on the Back of such Pleading as abovesaid.

But no Provision being made in Cases where Defendants demur to the Plaintiff's Declaration, and by that Means give great Delays to Plaintiffs, because by the said Rules Defendants are not obliged 'till after Judgment obtained to accept of Notice of executing a Writ of Inquiry; it was therefore afterwards ordered that,

Trin. 10 Geo. 1.
When Notice of Inquiry may be given on the Back of Demurrer.

XIII. IN all Cases where the Defendant demurs to the Plaintiff's Declaration, the Defendant's Attorney or Clerk in Court shall be obliged to accept of Notice of executing the Writ of Inquiry on the Back of such Joinder in Demurrer. And where the Defendant pleads such a dilatory Plea that the Plaintiff is obliged to demur to, in such Case the Defendant's

Officers and Offices, &c.

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dant's Attorney or Clerk in Court shall be obliged to accept of Notice of executing a Writ of Inquiry on the Back of such Demurrer. *Common Pleas.*

XIV. NO Countermand of Trial at the Assizes shall be good, unless Notice be given two Days before the Commission-Day. *Mic. 3 Geo. 1. What countermand good at Assizes.*

N. B. No Countermand to be given on a Sunday.

XV. ALL Declarations and Pleadings shall be delivered, all Demands made, and all Notices given before nine o'Clock in the Evening. *The Rule made Mich. 8 Geo. 2. discharged. Easter 10 G. 2. Notices, &c. to be delivered before nine in the Evening.*

XVI. Defendant shall be intitled to Cost, if Plaintiff don't execute his Writ of Inquiry pursuant to Notice, or countermand the same in due Time. *Trin. 13 Geo. 2. Cost for not executing Inquiry.*

Officers and Offices of the Court.

Vide Attachment of Privilege II. Attornies XVII. Fines.

I. THE Deputy-Sheriffs and all other Officers of the Court to appear personally (*in Court*) by the Effoin-Day of every second Return of every Term; and continue there during the Residue of

Mic. 1654. Officers to appear in Court.

Common Pleas. the Term, without some just Cause to the contrary allowed by the Court.

Same Term.
Proceedings to continue in one Prothonotary's Office.

II. THE whole Proceedings of any Cause after Appearance, to be carried on in the Office of that Prothonotary, where it was first entred, or Declaration delivered.

Original.

Vide *Appearances II. Habeas Corpus XX. Outlawries IV.*

Mic. 30 Car. 2.
To warrant Proceedings.

I. ATTORNIES having sued forth original Writs in *Trespafs*, and thereupon taken out Process of *Capias*, *Alias*, and *Pluries*, &c. and afterwards declared, and proceeded to Judgment, without suing forth a new Original to warrant such Declarations and Judgments contrary to Law, and in Fraud of the Great Seal of England, Fines upon Originals, and the Duty, (therefore) FOR the Future no Attorney for the Plaintiff shall presume to deliver, or Attorney for the Defendant to receive, by himself or his Agents, any Declarations without an Original proper to the Cause of Action first sued forth to warrant the same.

Outlawries.

Outlawries.

Vide Bail I. Pleas III. Venue III.

I. **N**O Exigent shall receive any *Pluries Capias*, in order to make an Exigent or Proclamation thereon before the same be signed or stamped by the Clerk of the Warrants or his Deputy, that it may appear that the Warrants of Attorney therein are duly filed.

*Hill. 2 & 3
Jac. 2.
Pluries to be
marked by
Clerk of the
Warrants be-
fore Exigent
or Proclama-
tion.*

II. ACCORDING to the Statute *Mic. 1654.* 31 *Eliz.* All Attornies that sue out Process of Exigent to be careful that Writs of Proclamation be delivered, the Sheriff to take Care duly to execute the same. *Of executing Proclamation.*

III. NO Under-Sheriff or County-Clerk of any County within this Realm, nor any Attorney or other Minister of this Court, shall return, or cause to be returned upon any Writ of *Exigi Facias*, issuing out of or returnable in this Court any false Return of *Reddidit se*, where in Truth the Defendant hath not rendred himself to the Sheriff. AND no Clerk, Attorney, or other Minister of this Court shall enter or Cause to be entred any *Retraxit* with any Under-Sheriff, County-Clerk, or other Minister, upon any Writ of *Exigi Facias*, issuing out of and returnable in this Court, until the same *Retraxit* be entred upon the same Roll upon which the said *Exigent* is a-
M 3 warded

*Easter 24
Car. 2.
Of returning
Exigent.*

Of Retraxit.

Common Pleas.

No Proceedings to prevent the Fees of a *Superfedeas quia im-provide.*

Superfedeas to be duly signed and sealed.

Mic. 1654.
Appearance and Bail on Reversal of Outlawry.

Mic. 12 Geo. 1.

warded of that present Term in which the same is returnable. And no farther Proceedings to be in that Cause after the Party outlawed by Filing a new Original, or by any other Means or Ways whatsoever, to deceive the King of his Seals, and the Officer of the *Superfedeas* Office of his just Fees, for making and signing of the Writs of *Superfedeas quia im-provide*, to such Writs of *Exigent*, or any other Officers of their just Fees. AND no Under-Sheriff, or County-Clerk aforesaid, or other Minister of the said Court, shall receive any *Superfedeas*, or allow any such Writ upon his or their Books or Files, until the same be duly signed by the proper Officer of the said Office, and also sealed.

IV. HE that reverseth an Outlawry to have an Attorney of Record present, who must undertake an Appearance to a new Original, and such Attorney shall be compelled to appear; and the Defendant or his Attorney to give Notice to the Plaintiff or his Attorney of such Reversal the same Term, or in the Vacation next after it.

V. BEFORE reversing an Outlawry be had by Plea or otherwise, thro' or by Want of any Proclamation to be had or made, according to the Form of the Statute in that Case made and provided, the Defendant in the original Action, shall put in Bail, not only to appear and Answer to the Plaintiff in the former Suit, in

in a new Action to be commenced by the said Plaintiff for the Cause mentioned in the first Action, but also to satisfy the Condemnation, if the Plaintiff shall begin his Suit before the End of two Terms next after the Avoiding the Outlawry.

Common Pleas.

VI. FORASMUCH as divers Sheriffs, Bailiffs of Liberties, and their Bailiffs respectively have of late Time contrary to Law, and against former Orders of this Court, discharged Persons taken upon Outlawries without *Supersedeas*; it is declared that such Dealing is an Abuse; and all such, who have or shall discharge such Persons without *Supersedeas*, shall be severely punished. And no Sheriff, Under-Sheriff, their Deputies or Bailiffs, may from henceforth discharge, or set at Liberty any Person or Persons arrested upon any *Capias utlagatum*, 'till he receives a *Supersedeas*. And likewise afterwards ordered that,

Mic. 1654.
Persons taken upon Outlawries not to be discharged without a *Supersedeas*.

VII. NO Sheriff, Under-Sheriff, Sheriff's Clerk, Deputy or Bailiff, nor any Steward, Bailiff of Franchise, Coroner or their Clerks or Deputies shall set at Liberty any Person taken upon any Writ of *Capias Utlagat*, nor discharge the Lands or Goods of any Person outlawed by them seised upon any Writs of *Capias Utlagatum*, without a lawful Writ of *Supersedeas* under the Seal of this Court to them delivered for such Discharge, according to the Statute of the 13th of his Majesty's Reign, (i. e. 13 Car. 2.) And

Hill. 15 & 16 Car. 2.

Lands or Goods not to be discharged without a *Supersedeas*.

Common Pleas.

Bail.

no *Superfedeas* to be made, or issued out of this Court by any Officer, Clerk, Attorney, or Minister of the same, without sufficient Bail first taken according to Law, and former Orders and Usages of this Court, upon Pain of incurring the severest Punishment, which according to Law and Justice can be inflicted upon the Offenders.

Mic. 17 Car. 2.

Trin. 2 Jac. 2.

VIII. IF any Sheriff, or Officer whatsoever set at Liberty any Person arrested upon a *Capias Utlagat'* before Judgment without a lawful *Superfedeas* first delivered unto him; upon Affidavit thereof made and filed, every Person offending therein shall pay 40s. to the Party grieved, or complaining; who shall have an Attachment of Course against the Sheriff, Officer, or Party offending for the Payment of the same, and the Party so offending shall likewise undergo such other Punishments as by this Court shall be thought fit.

Trin. 2 Jac. 2.

Of reversing
Outlawry after
the Plaintiff's
Death.

IX. NO Outlawry after the Death of the Plaintiff in the Action shall be reversed without the Defendant's Appearance, and putting in special Bail, (if the Action so requires,) to the Executor or Administrator of the Plaintiff, or to the Husband and Wife in Case where the Wife, whilst a *Feme Sole*, sued the Defendant to an Outlawry before Marriage, provided the Plaintiff's Attorney to the Writ of *Exigent* or *Capias Utlagatum* do within fourteen Days after Notice to him given

Outlawries.

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given of the Defendant's Intention to reverse such Outlawry, * the Name or Names of the Executor or Administrator of such Plaintiff deceased to the proper Prothonotary.

Common Pleas.

* Deliver.

X. UPON every Writ of *Exigent* which shall be sued forth of this Court, if a *Superfedeas* be not put in thereto at or before the Day of Appearance thereof; no *Superfedeas* shall by any Sheriff be allowed as an Appearance to any such Writ until the Defendant shall have paid unto the Plaintiff or his Attorney, or left in the Court with one of the Prothonotaries the full and just Costs of Suit, to be taxed by the said Prothonotary. AND upon reversing every Outlawry the Defendant shall, before the Reversal thereof or any *Superfedeas* made thereto, give special Bail, if the Sum of Money or Damages expressed in the original Writ, whereupon the *Exigent* was awarded, shall amount to the Sum of 10*l.* and pay to the Plaintiff or his Attorney, or leave in the Court for him his full and just Costs of Suit to the *Exigent* as aforesaid.

Trin. 2 Jac. 2.

To the same Effect, and nearly *verbatim*, in *Mic.*

17 *Car. 2.*

Of paying Costs on reversing Outlawries.

Where special Bail is required.

And by a later Rule as to such Costs.

XI. THE Defendant upon reversing an Outlawry shall pay the Plaintiff the usual Costs of the *Exigent* together with the King's Fine (if any) and all further Costs shall be respited until the Time of signing Judgment for the Plaintiff. AND if the Plaintiff does not proceed within

Trin. 33 Car. 2.

Costs for Want of the Plaintiff's Proceeding.

Common Pleas. within two Terms after Notice of the Reversing the Outlawry, the Defendant shall have his Costs to be taxed by the Prothonotary.

Trin. 2 Jac. 2.
Of Costs after
the Inquisition
and Extent in
the Exche-
quer.

* *But see the
next (a subse-
quent) Rule
where Costs
are to be taxed
by the King's
Remembran-
cer.*

XII. WHERE the Plaintiff by Vir-
tue of an Outlawry hath taken an Inqui-
sition and extended into the King's Hands
the Goods, Chattels, Lands or Tene-
ments of the outlawed Person, and re-
turned the same into the Exchequer, such
further just and reasonable Costs shall
then be taxed by the Prothonotary*,
and paid to the Plaintiff or his Attorney,
or left in Court as the Plaintiff hath been
at in taking and prosecuting the said In-
quisition, before any Certificate of such
Reversal shall be made by the Clerk of
the Outlawries in that Behalf.

But afterwards ordered that,

May 13. 1689.

XIII. WHERE any Outlawry shall
be transcribed into the Court of Exche-
quer and Process made out thereupon,
and afterwards such Outlawry shall be
reversed before any Judgment shall be
entred for the Removing the King's
Hands, and the Party outlawed restored
to his Possession, the Prosecutor of such
Outlawry shall be paid such Costs as shall
be taxed by their Majesties Remembran-
cer or his Deputy for the Proceedings in
the said Court.

Pas. 24 Car. 2.
Of Declara-
tions.

XIV. NO Attorney or other Minister
of this Court, either for Plaintiff or De-
fendant shall give or receive any Copy
of a Declaration founded upon any Writ
of

Oyer.

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of *Exigi facias*, until a *Supersedeas* be duly signed and sealed, and allowed with the Sheriff, Under-Sheriff or his Deputy of the County where the *Exigent* is laid.

Common Pleas.

XV. IF Bail be given upon Reversal of an Outlawry, the Original to be shewn, upon tendring the Declaration, otherwise the Bail are not liable, unless the Party or his Attorney will voluntarily appear, or take a Declaration without shewing it.

Mic. 1654.

Original to be shewn on delivering Declaration.

XVI. IN Case of a Reversal, the new Original to agree in the Nature of the Action, the Sum in Demand, and the County, otherwise the Bail not liable; but if the Party will voluntarily appear to such varying Original, to be good as to the Party.

Same Rule.

New Original to agree in the Nature of the Action, &c.

Oyer.

OYER of Writs, Bonds, and other Deeds shall be demanded by a Note in Writing.

Per Notice fix'd up in the Prothonotaries

Offices. Mic.

1 Geo. 2.

Pleas.

Pleas.

Vide Appearances V, VI. Declarations VIII, XII, &c. Demurrers II. Habeas Corpus XXIII. Prisoners. Rules.

Mic. 1654.
Where common Bar and new Assignment to be forborn.

Same Rule.
And unnecessary Repetitions.

Same Rule.
Of Pleading an Outlawry.

Same Rule.
General Statute.

Mic. 1654.
When Pleas to be delivered,

or

Left in the Office.

I. THE common Bar and new Assignment to be forborn, where the Declaration contains the Certainty equivalent to a new Assignment.

II. PLEADINGS to be succinct, without unnecessary Repetitions.

III. IN the Pleading of an Outlawry the mesne Process not to be repeated, but the *Exigent* and Outlawry joined to the commencing of the Suit.

IV. IN Pleading a general Statute, the Statute not to be recited, as the Statute of 21 *Jac.* of Limitations.

V. THE Plaintiff having declared and given Rules for Answer, the Defendant is to deliver his Plea in Writing to the Plaintiff's Attorney or known Clerk. BUT if there be no such Attorney or Clerk to be found, or being found, refuseth to accept it, then the Plea may be left in the Office to save a Judgment. And where a Plea is left in the Office,

n

no Judgment for Want of a Plea to be entred. Common Pleas.

VI. IN Case of special Writs returnable the first Return of *Hillary* or *Trinity* Term, and the first or second of *Easter* or *Michaelmas*, the Defendant to plead in (a) four Days after the Appearance-Day of the Return of such Writ; and in Case of a common *Capias* or any * other special Writ, within the first four Days of the next Term, or Judgment may be entred against the Defendant by Default. *Vide more of this Rule Title Declarations XII.*

Mic. 1 Geo. 2.
When to plead on special Process.

(a) *But see the following Rules.*

* i. e. Any common or special Writ not returnable at before-mentioned.

But afterwards ordered that,

VII. UPON all Process of this Court returnable the first or second Return of any Term, if the Plaintiff declares in *London* or *Middlesex*, and the Defendant lives within twenty Miles of *London*, such Defendant shall plead within four Days after Declaration delivered without any Imparance; and such Declaration may be delivered *De bene esse*. And in Case the Plaintiff declares in any other County, or the Defendant lives above twenty Miles from *London*, the Defendant shall plead within eight Days after the Declaration delivered, without any Imparance; and in Default of Pleading as aforesaid the Plaintiff may sign his Judgment.

Mic. 3 Geo. 2.
When to plead on Process returnable the first or second Return.

AND notwithstanding any Thing to the contrary in the Rule of *Mic. 1 Geo. 2.* (which see before § VI.) the above Times
to

Common Pleas. to plead are by the following Rule further confirmed.

Easter 3 Geo. 2. VIII. ALL Declarations in London or Middlesex, delivered pursuant to the (a) Rule made last Michaelmas Term, on Process returnable the first or second Return of any Term, where the Defendant lives within twenty Miles of London, shall be delivered with Notice that the Defendant plead within four Days after Declaration delivered; and all Declarations in any other County, or the Defendant lives above twenty Miles from London, shall be delivered with Notice to plead within eight Days after Declaration delivered.

Per Notice fix'd up in the Prothonotaries Offices. Mic. 1 George 2. IX. PLEAS, Replications, and other Pleadings, shall be demanded by a Note in Writing. But, Demanding Pleas, &c.

Same Term. X. WHERE the Declaration is filed and Notice thereof given, there is no need of further calling for a Plea. Vide Title Declarations XII.

East. 10 Geo. 2. XI. ALL Pleadings shall be delivered, all Demands made, and all Notices given before nine o'Clock in the Evening.

Pas. 24 Car. 2. XII. NO Defendant shall be permitted to amend his Plea 'till Appearance be entred.

Posteas.

I. **T**HE Clerks of the Assize, their Deputies or Assistants, shall personally appear with their *Posteas* on the first Day of *Easter* and *Michaelmas* Term. *Mic. 1654.*
Clerk of Assize to appear in Court with *Posteas*.

II. **W**HERE a Verdict is given for the King upon a *Qui Tam* Action, the *Postea* on the first Day of the Term next after the Verdict given shall be delivered to the Prothonotary in whose Office the Cause is, and Judgment thereupon shall be entred on Record, so that the Part of the Penalty belonging to the King may be levied. And when Judgment is entred on Record, a Note or *Præcipe* of the Record with the Number of the Roll shall be delivered by the Clerk of the Judgments to the Clerk of the Warrants that the Sum or Fine of the King by the Clerk of the Warrants amongst other Sums of the King shall be estreated; and the Clerk of the Warrants when he receives such Note or *Præcipe* shall set his Hand to the Clerk of the Judgments's Paper of Entries of the afore said Judgments. *East. 34 Car. 2.*
Posteas on *Qui Tam* Actions.

III. **E**VERY Clerk of Assize of the respective Circuits within this Realm, and also the Associate to the Lord Chief Justice of this Court, shall make Returns of all *Posteas* upon all Records of this Court, *Pas. 2 Jac. 2.*
Of returning *Posteas* and taking the Fees at Trial.

Common Pleas. Court, whereupon any Proceedings have been, by Virtue of any Writ of *Nisi prius*, *Distringas*, *Habeas Corpora Fur*, and shall cause the same to be delivered to the respective Prothonotaries upon the *quarto die post*, of the Return of the Writ of *Nisi prius* in Bank, upon Pain of forfeiting 20*l.* to be estreated into the *Exchequer*; and to take away all Pretence of Excuse, the Clerks of Assize in the Circuits, and also the Associate in *London* and *Middlesex*, at the Trial of every Cause by Record of *Nisi prius* of this Court, shall take the Fees due to them respectively, for the Return of every such *Postea*.

Vide Notes on Title *Postea* in the first Part.

Prisoners.

Vide *Bail-Bonds* I. Bringing in the Body. *Habeas Corpus*.

Of Proceeding against them in County Gaols.

Pas. 5 W. & M. &c. I. 1st, **N**O Copy of any Declaration shall be delivered to a Prisoner in Custody until after the (a) Pro-
Declaration when delivered.
or other County and it must be (a) If Defendant be a Prisoner in Newgate, Ludgate, Gaol, there must be a Process to charge him in Custody; first entred with the Prothonotary.

cess upon which such Prisoner shall be taken or charged in Custody be returnable.

Common Pleas.

II. 2dly, NO Rule shall be given for the Defendant in Custody to appear and plead to any Declaration against him 'till an Affidavit be filed with the proper Secondary of the Delivery of the Copy of such Declaration, and of the Time when, and the Person to whom the same Copy was delivered (a); and a Copy of the said Affidavit shall be produced to the Prothonotary before Judgment signed, together with a Certificate from the proper Officer, that no Appearance is entred with him.

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Affidavit of Delivery before Rule to appear and plead.

(a) And 'tis necessary to say, that the Turnkey acknowledged Defendant at the same Time to be a Prisoner.

You make a Copy of the Declaration on Stamp, and annex the above Affidavit to it, which you carry to the Secondary, and give a Rule to plead before Judgment can be signed.

III. 3dly, IF a Copy of the Declaration be delivered before *Mensem Paschæ* or *Craftinum Animarum*, and Affidavit thereof made and filed, and the Defendant doth not enter his Appearance with the proper Officer within ten Days after *Easter* or *Michaelmas* Terms respectively, Judgment may be entred against him upon the Certificate as aforesaid, if Rules have been given; but if he doth not enter his Appearance, as aforesaid, before the End of ten Days after the Term, he shall imparl until the next Term unless the Action be in *London* or *Middlesex*, and the Defendant be in Prison within forty Miles of *London* and *Westminster*, then tho' he doth appear before the Expiration

Declaration delivered before the 3d Return of *Easter* or *Michaelmas* Terms, when to plead.

Common Pleas.

piration of ten Days after the End of the Term, he shall plead two Days before the Effoin-day of the next Term, and in Default thereof Rules having been given, Judgment may be entred against him, as aforesaid.

Or if delivered after the 3d Return in *Easter* or *Michaelmas* Terms, or in *Hillary* or *Trinity* Terms, when to plead.

IV. 4thly, IF a Copy of the Declaration be delivered on or after *Mensem Paschæ* in *Easter* Term, or *Craftinum Animarum* in *Michaelmas* Term, or in *Hillary* or *Trinity* Term, and the Plaintiff thereupon shall give Rules to appear and plead, if the Defendant enter his Appearance two Days preceding the Effoin-Day of the next Term, he shall imparl until the said next Term; but if he doth not appear within that Time, Judgment may be entred against him, as aforesaid.

Writ returnable in one Term, and Declaration delivered before the Effoin-Day of the next, when to plead.

V. 5thly, IF a Writ be returnable in one Term, and a Copy of the Declaration be delivered before the Effoin-day of the next Term, the Plaintiff in such next Term may give Rules to appear and plead; and if the Defendant doth not enter his Appearance, and plead by the Time that the Rules are out, Judgment may be entred against him, as aforesaid.

When a *Supersedeas* may be issued for Want of Declaration.

VI. 6thly, IF the Declaration be not entred or left in the Office before the End of the next Term, after the Writ or Process (by which the Prisoner shall be taken or charged in Custody) be returnable, and an Affidavit made and filed in Manner aforesaid, before the End of * twenty Days after such Term (*Easter* Term excepted,

* But see hereafter.

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excepted, and within ten Days after *Common Pleas.*
Easter Term) the Prisoner shall be discharged upon entring his Appearance with the proper Officer, by Writ of *Superse-deas*, according to antient Practice. *Vide post, Concerning discharging Prisoners.*

VII. 7^{thly}, IF any Gaoler or Keeper of Prison, having received a Copy of a Declaration against any Prisoner in his Custody, shall suppress the same, and not deliver it forthwith to such Prisoner an Attachment shall be issued against him. Gaoler to deliver Declaration to the Prisoner immediately after he receives it.

N. B. For the Times of Declaring, Proceeding to Judgment or Execution, *vide post* from IX to XII.

Proceedings against them in the Fleet.

VIII. NO Copy of a Declaration delivered at the *Fleet* Prison against a Prisoner there, shall be a sufficient Charge to hold such Prisoner to Bail, or to retain such Prisoner in Custody for Want of Bail; unless an Affidavit, that the Plaintiff's Cause of Action amounts to 10*l.* or upwards, be first made and filed in the proper Prothonotary's Office, and an Indorsement made by the said Prothonotary, or his Deputy, upon such Copy of a Declaration, signifying the Sum of Money specified in such Affidavit, for which

Hill 8 Geo. 2.
 How to hold a Prisoner in the Fleet to Bail.

Common Pleas. Sum so indorsed Bail shall be required, and for no more.

For the Time of Declaring, Proceeding to Judgment and Execution, vide the three following Sections.

Note; *The Declaration must be entred before it be delivered to the Clerk of the Papers of the Fleet. And there's no Need of Process to charge a Prisoner in Custody there, as there is in Newgate, Ludgate, or other County Gaols.*

Of Discharging them.

Mic. 1654.
Of discharging Defendant for Want of Declaration.

IX. IF the Defendant be committed to Prison by Process out of this Court, or *Habeas Corpus*, the Prisoner entring his Appearance with the Prothonotary in case of a Plaintiff, or an Attachment of Privilege; or with the Filazer in Case of other Process, and giving Rule to declare, the Plaintiff not declaring before the End of the next Term after the Commitment, the Defendant to be discharged by *Superfedeas* in the End of the next Term, and Liberty for the Plaintiff to declare upon that Appearance the next Term after that at the furthest.

Hill. 14^e & 15^e Car. 2.

* *Vide Title Habeas Corpus for the former Part of this Rule.*

X. IF the Plaintiff does not remove the Defendant to the *Fleet* by *Habeas Corpus*, and the Prisoner enter Appearance (* *as aforesaid*) he may be discharged by *Superfedeas* in the End of the

third

third Term after the Arrest, according to the Course antiently used, and the Plaintiff may declare upon such Appearance the Term following, but not after; but if such Prisoner cause Appearance to be entred for him by Attorney, and cause Notice thereof to be given to the Plaintiff or his Attorney, and if Oath thereof be made in Writing and filed in Court, unless the Plaintiff declares against him in the Term after such Appearance, he may be discharged by *Superfedeas*, so as Oath be made by the Attorney for the Defendant, that no Declaration hath been delivered, or tendered to him. And the Plaintiff may declare against the Defendant the Term next after such Appearance entred, but not afterwards.

Common Pleas.

XI. IF any Defendant shall render himself, or be rendred to the *Fleet* Prison in Discharge of his Bail, at the Suit of any Plaintiff, where no further Proceedings by Declaration has been had against such Defendant before such Render, unless the Plaintiff shall declare against such Defendant within two Terms after such Render; and where any Declaration hath been delivered against such Person so rendering himself, or being rendred, or Judgment has been had against him before such Render, unless the Plaintiff shall proceed to Judgment upon such Declaration delivered within three Terms after such Render (the Defendant having appeared,) and charge such Defendant in Execution

East. 8 Geo. 1.
When Prisoner discharged after Surrender for Want of Declaration.

Judgment.

Execution;

Common Pleas. within two Terms after such Judgment obtained, such Defendant may be discharged out of Custody, by *Supersedeas*, to be allowed by one of the Justices of this Court, if Cause be not shewn to the contrary by the Plaintiff or his Attorney, upon Notice to either of them, given by the Defendant's Attorney or Agent, and Oath made of such Notice given.

Easter 8 Geo. 1.
Of discharging Prisoners for Want of Proceeding to Judgment.

Or charging Defendant in Execution.

XII. IF any Plaintiff shall declare against any Defendant in the Custody of the Warden of the *Fleet* Prison, or of any Sheriff, or other Officer, and shall not proceed to Judgment within three Terms after Declaration delivered, inclusive of the Term in which the Declaration shall be delivered, the Defendant having appeared, or if any Plaintiff having obtained Judgment in any Action against any Defendant, a Prisoner, as aforesaid, and shall not charge such Defendant, so remaining a Prisoner in Execution upon the Judgment so obtained within two Terms next after such Judgment, including the Term in which Judgment shall be signed, then such Defendant may be discharged out of Custody by *Supersedeas*, to be allowed by one of the Justices of this Court, if Cause shall not be shewn by the Plaintiff, or his Attorney, why such Plaintiff had not proceeded to Judgment and Execution, as aforesaid, upon Notice to either of them given by the Defendant's Attorney or Agent,

Agent, and Oath made of such Notice given. *Common Pleas.*

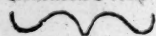
XIII. IN all Cases where a Prisoner in the *Fleet*, or other Gaol or Prison, is discharged, or ordered to be discharged by this Court, or any of the Justices thereof, by *Superfedeas* for Want of Prosecution, and such Prisoner be afterwards arrested, or detained in Custody by Action of Debt, brought upon Judgment obtained in the Cause wherein such Prisoner was so discharged, or ordered to be discharged; a common Appearance shall be accepted for the Defendant in such Action. *Hill. 8 Geo. 2. Of Arrest after Discharge.*

Rules for the Well-governing of the Fleet-Prison.

XIV. ALL the Orders or Rules hereunder, established pursuant to the Statute 2 Geo. 2. intituled, *An Act for the Relief of Debtors with Respect to the Imprisonment of their Persons*, to be kept as well by the Warden and his Officers and Servants, as by all the Prisoners. AND this with the Rules aforesaid to be fixed up in the Hall of the Prison, for the Use and Inspection of the Prisoners. *Hill. 3 Geo. 2. per Cur'.*

XV. 1. THE Warden or Deputy, to appoint so many of the Household Servants as to either of them shall seem good, Warden to appoint Household Servants.

Common Pleas.



And may disarm Persons coming into Prison.

Watch.

Poor's Box.

Made 17 Feb.
1687.
Chamber-Rent.

Opening and shutting the Gate.

to open and shut the two outer Gates, at such Hours as the Gates of *Ludgate* and *Newgate*, and the said Persons to carry Halberts, Bills, or other Weapons, as shall seem good unto the Warden or Deputy.

XVI. 2. THE Warden or Deputy to take Order, that no Person carry any Weapon further than the Porter's Lodge, unless licensed to keep the Gate.

XVII. 3. THE Warden or Deputy, and so many of the Household as needful, to keep Watch in Harness or otherwise at all Times as he shall see Cause for his Safeguard.

XVIII. 4. THE Warden to order the Money gathered at the Box, or otherwise given for the Distribution amongst them, if any Contention arise, the poor Men shall keep one Key, and the other to be at the Warden's Appointment.

XIX. 5. IF the Prisoners on the Master's Side refuse, or be not able to pay Chamber-Rent, then the Warden may turn them out into the Wards, but no Prisoner to be confined for Non-payment of Chamber-Rent, but all to have liberty of Walking in the Fore-yard, Hall, and Cellar in the Day-Time; the Wards Gate in the Day-Time to stand open, and to be opened at Five in the Morning in Summer, and Seven in Winter.

XX. AND

Prisoners.

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XX. AND the Warden may shut *Common Pleas.*
the Ward Gates at Nine at Night in
Winter, and Ten in Summer, provided
he keep a Watch to attend to let out and
in such as have Occasion to go to the ne-
cessary-house.

XXI. 6. THE Warden not to detain *Fees.*
or imbezil any Prisoner's Goods, but may
detain his Person after discharged by his
Creditors, 'till the Fees paid.

XXII. 7. THE Warden to provide a *Dungeon.*
Dungeon for Persons that endeavour to
escape, or guilty of other great Misde-
meanor,

*And after being informed that such a
Room was provided, for a further Regu-
lation ordered that,*

XXIII. 8. THE Warden do keep the *Chapel.*
Chapel in Repair, and take care that Di-
vine Service be performed, according to
the Use of the Church of *England*, and
all Prisoners to attend, and not be absent
without reasonable Cause.

XXIV. 9. AND no Chaplain of the *Marriages.*
Fleet, or any Clergyman being a Prisoner
within the Walls or Rules, to presume to
marry any Person without License, and
the Warden and Officers to use their ut-
most Diligence to prevent such Mar-
riages.

XXV. 10. THE Warden to cause the *Stocks.*
Stocks to be kept up, for the Punishment
of such Prisoners as blaspheme, swear or
behave themselves disorderly.

XXVI. 11.

*Common Pleas.**Chambers.*

XXVI. 11. NO Prisoner to take Possession of any Chamber, but with Consent of the Warden or Deputy, or pull down any Partition, or make any material Alteration, without the Consent of the Warden or Deputy, but the Disposal of the Rooms to be in the Warden or Deputy, yet so as neither of them turn any out of Possession, without Cause, and Prisoners on Discharge to deliver to the Warden, his Deputy or Chamberlain, the Key of his Chamber, and all the Warden's Furniture therein.

Chamber-Rent.

XXVII. 12. THE Warden or Deputy, may turn any out of his Chamber to the common Side, that refuse or neglect to pay Chamber-Rent for three Months; and the Warden or Deputy, shall in such Case take an Inventory of the Prisoner's Goods and Effects (if any) signed by two Witnesses, and deliver them to such Prisoner, but the Warden may still detain the Prisoner, tho' discharged by the Plaintiff, or in any other Manner, until his Arrears of Chamber-Rent be paid.

Publick Room for selling Victuals or Liquors.

XXVIII. 13. NO Person shall keep any publick Room within the Prison for selling Victuals or Liquors, without Leave from the Warden or his Deputy; Offender may be turned to the common Side, and the Warden and Deputy to take care that good Order be kept in such publick Room as shall be allowed as aforesaid.

XXIX. 14.

Prisoners.

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XXIX. 14. THE Warden to take *Common Pleas.*
Care that every Prisoner committed to
his Custody, be conveyed to the *Fleet*,
without being carried to any publick
House, or the private House of any Tip-
staff, Officer, or Minister of the *Fleet*,
or of any Tenant or Relation of his
without the free Consent of the Person
in Custody, and no Garnish shall be ex- *Garnish.*
torted by any Prisoner, from any Person
committed.

XXX. 15. THE Warden to cause *Gifts.*
a Table of the Gifts, expressing the Pur-
poses for which given, to be fairly writ,
and hung up in the Hall, and to take
Care that no Prisoner be deprived of his
Share of the Charities, or bear any Office *Charities.*
which may intitle him to the Receipt or
Disposition thereof.

XXXI. 16. EVERY Prisoner who
shall make Oath before one of the Judges
of the Court, from whence the Process
issued upon which he is taken or charged,
or before a Commissioner impowered by
such Court, that he is not worth 5 *l.* and
cannot subsist without the Charities be-
longing to the Prisoners of the *Fleet*,
shall immediately be admitted to all
Shares, Dividends, and Profits arising
from such Charities.

XXXII. 17. TWO Rooms marked *Infirmary.*
Nine and Ten up the Chapel Stairs, shall
be kept as an Infirmery, for the Prisoners
on the common Side, who fall sick of
such Diseases as require their being re-
moved,

Common Pleas. moved, and no Prisoner shall be obliged to lie in the same Bed with a diseased Person.

Repairs.

XXXIII. 18. THE Warden shall keep the Prison-House and Windows in Repair, and keep the Drains, Bog-Houses, and Dunghill as clean and free from Noisomness as possible.

Death of Prisoners.

XXXIV. 19. WHEN any Prisoner dies within the Prison, the Warden shall forthwith give Notice thereof to the Coroner, that he may inquire how he came by his Death; and the Warden shall detain the Body no longer than 'till the Coroner's Inquest have made their Inquisition, which shall be done with all convenient Speed, and immediately after the dead Body shall be delivered to the Prisoner's Friends or Relations, if they desire it, without Fee or Reward.

Habeas Corpus.

XXXV. 20. THE Warden not to sue out any *Habeas Corpus* to remove any Prisoner from the *Fleet*, to the *King's Bench Prison*.

Commitment Book.

XXXVI. 21. THE Warden shall keep a Book in which Commitments shall be entred (*verbatim*) within fourteen Days after Prisoner committed.

XXXVII. 22. THE Warden another Book of the Names of every Prisoner, at whose Suit, and the Time when brought to the *Fleet*, and the Court or Judge whereby committed.

XXXVIII. 23.

Prisoners.

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XXXVIII. 23. EVERY Tipstaff, to whom any Prisoner shall be delivered at the Judge's Chambers, shall keep a Book, containing the Name of such Prisoner, the Time when taken into Custody, to be signed by such Judge's Clerk, who is to keep another Book to be signed by the Tipstaff.

Common Pleas.

Tipstaff's Book.

XXXIX. 24. THE Warden shall keep a Book of all Declarations delivered to the Turnkey, containing the Names of the Parties, the Cause of Action, and the Time when delivered.

Declaration Book.

XL. 25. THE Warden shall keep a Book of Discharges, specifying how made, whether by the Plaintiff, by *Supersedeas*, or otherwise, which Entry shall be made within five Days after every Discharge.

Book of Discharges.

XLI. 26. THE Warden shall keep a Book of every *Habeas Corpus* upon which the Prisoner shall not be committed, or the Custody altered, with the Return of such *Habeas Corpus*.

Book of Habeas Corpus.

XLII. 27. ALL the Books before-mentioned, except the Tipstaff's, shall be kept in the publick Office of the Clerk of the Papers; and all Persons may resort to them and take Copies.

Books to be in the public Office.

XLIII. 28. NO Clerk, Officer or Servant, belonging to any Judge of this Court, shall take any Fee for any Petition, Complaint, or Application, made by any Prisoner, founded upon these Rules,

Fees.

or

Common Pleas. or concerning any Mis-government in the *Fleet*.

Treatment.

XLIV. 29. *Lastly*, THE Warden and his Officers to treat the Prisoners with all Tendernefs and Humanity, and the Prisoners to behave themselves towards the Warden with that Submission and Regard which the Law requires.

Easter and Trin. 13 Geo. 1.

In these Terms the Fees were considered on, and a Rule was made for the Regulation of them, but the same is altered by the following Rule :

19 January,
3 Geo. 2.

A TABLE of FEES to be taken by the Warden of the *Fleet* for Commitment, or coming into Gaol or Chamber-Rent there, or Discharge from thence in any *Civil Action*. Settled and established the 19th of *January*, 3 Geo. 2. pursuant to an Act, for the *Relief of Debtors in Respect to the Imprisonment of their Persons*.

Commitment
Fees.

Every Prisoner charged with one or more Actions (who at his own Desire shall go on the Master's Side) to pay the Warden for Commitment 1 *l.* 6 *s.* 8 *d.*

Every Prisoner charged with one or more Actions (who shall go on the common Side) not being intitled to partake of the Poor's Box. 13 *s.* 4 *d.*

Every Prisoner intitled to partake of the Poor's Box. 0 *l.* 0 *s.* 0 *d.*

Discharge.

Every Prisoner to pay for his Discharge 7 *s.* 4 *d.*

Prisoners.

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Every Prisoner on the Master's Side, who at his own Desire shall have a Bed to himself, to pay for Chamber-Room, Use of Bed and Bedding, and Sheets to the Warden, *per Week* 2 s. 6 d.

Common Pleas.

Chamber-Rent.

If Two in a Bed, and no more, for Chamber-Room, Use of Bed, Bedding and Sheets, each to pay the Warden *per Week* 1 s. 3 d.

If the Prisoner finds his own Bed, Bedding and Sheets (which the Warden is not to hinder him of) to the Warden, *per Week* 1 s. 3 d.

Two Prisoners in one Bed, finding their own Bed, Bedding and Sheets, then each of them *per Week* 7 d. $\frac{1}{2}$

Prisoner not being intitled to partake of the Poor's Box, to pay to the Turnkey on Commitment 2 s.

To the Turnkey on Commitment.

Prisoner on Commitment upon a Surrender at a Judge's Chambers, to pay to the Tipstaff 6 s. 8 d.

To the Tipstaff on Surrender.

Prisoner on Commitment on *Habeas Corpus*, at a Judge's Chambers, to the Tipstaff 4 s. 2 d.

To Tipstaff on Commitment on *Habeas Corpus*.

On Commitment in Court, to the Tipstaff 7 s. 6 d.

Commitment in Court.

No other Fees for any Prisoner for the Use of Chamber, Bed, and Bedding, or Sheets, or upon Commitment or Discharge of any Prisoner in any Civil Action, nor any Commitment Fee to be taken for any Prisoner intitled to partake of the Poor's Box, nor any Chamber-Rent

No other Fees.

Record of *Nisi prius*.

Common Pleas. Rent to be taken of any Prisoner on the common Side.

Procedendo. Vide Habeas Corpus.

Qui tam. Vide Postea II.

Recipiatur.

Vide Record of *Nisi prius*.

*Notice in
Hill. 8 Geo. 1.
Of entering
Recipiatur.*

I. **N**O *Recipiatur*s shall be allowed to be entred for the Sittings of *Nisi prius* after every Term, unless the Records of *Nisi prius* and Writs be made up and brought into Court on or before the Days and Sittings respectively.

Recognizance. Vide Bail XIV, XXIV.

Record of *Nisi prius*.

Vide Recipiatur. Trials.

*Mic. 1654.
When Issue to
be brought to
the Clerk of
the Treasury
for Record to
be made up.*

I. **A**LL Issues to be tried by *Nisi prius* in London or Middlesex, upon a Record of a precedent Term, the
2 Copy

Record of *Nisi prius*.

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Copy of the Issue to be brought to the Clerk of the Treasury, for the Ingrossing the Record, four Days at least before the Day of Trial of such Issue. *Common Pleas.*

II. NO Record of *Nisi prius* to be signed before the Issue be entred upon the Roll. Or an *Incipitur* according to modern Practice. *Same Rule.* When to be signed.

III. THE Prothonotaries to take Care that every Record of *Nisi prius* that is signed by them be ingrossed in a fair legible Character, and so entred on the Roll, and every Pleading to begin with a new Line, and the first Word thereof in a greater Character than the rest. And in all Actions that have divers *Narrs* to be figured in the Margent of such Record; Or the Prothonotary not to sign the same. And the Clerks of the Treasury that ingross Records of *Nisi prius* to take the same Care of all Records made out of the Treasury. And the Records to be of the same Breadth as the Rolls. *Trin. 29 Car. 2.* How to be ingrossed.

IV. ALL Records of *Nisi prius* for Trials at the Assizes shall be signed by the Prothonotary, and signed and sealed by the Clerk of the Treasury, within three Weeks after the End of every *Hillary* and *Trinity* Terms, and not afterwards, except for reasonable Cause a special Warrant for the same be obtained. *Trin. 29 Car. 2.* When signed and sealed for Trial at the Assizes.

V. THE Clerk of the Treasury shall not sign or seal any Record of *Nisi prius* unless first signed or stamped by the Clerk of *Hill. 2 & 3* *Jac. 2.* Warrants to be filed before of Record signed.

Common Pleas. of the Warrants, that it may appear the Warrants of Attorney are filed.

Same Rule.

VI. AND the Clerk of the Warrants to attend the Treasury where the Records of *Nisi prius* are sealed, three Weeks after every issuable Term, or so long as Records are sealed without a Judge's Warrant, there to receive and take the said Warrants of Attorney.

Recoveries.

Vide Attornies XVIII. Rolls XIV.

Mic. 1654.
Of signing
Exemplifica-
tion by the
Prothonotary
before it be
sealed.

And
When to be
signed by the
Clerk of the
Treasury.

*Per Notice in
the Offices.*
Trin. 10 Geo. 2.
Præcipe's to be
entred on Re-
membrance.

Mic. 29 Car. 2.
Offiling Writs
and Warrants
of Attorney
on passing Re-
coveries.

I. **N**O Exemplification of any common Recovery or other Record which ought to be examined and signed by the Prothonotary, to be sealed before the same have been signed by the Prothonotary. NOR any Exemplification (excepting Exemplifications of Fines and Common Recoveries of the present or precedent Term) to be sealed before they be first signed and examined by the Clerk of the Treasury.

II. ALL *Præcipe's* for Recoveries to be entered in the Office on the Remembrance of each respective Prothonotary to whom they belong, and from henceforth no Remembrances will be lent out for that Purpose.

III. *THROUGH* the Complaints that have been made of Neglects in filing Writs and Warrants of Attorney whereupon Com-

Recoveries.

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mon Recoveries have been suffered, and of *Common Pleas.*
the Mischiefs that have thereupon hap-
pened; it is ordered, that BY Consent
of the Custos Brevium, Prothonotaries, and
Clerk of the Warrants, the Prothonotaries
at all Times hereafter when they examine
and sign the Exemplifications of such Re-
coveries, to cause all the said Writs
(being sealed and returned) and all War-
rants of Attorney thereupon taken with-
out Writ, to be left in their Hands with
the usual Fees for Filing the same, with-
out post Terminums. And the Custos Bre-
vium and Clerk of the Warrants, or their
known Deputies, shall receive from the
Prothonotaries in their Offices, the said
Writs and Warrants of Attorney, with
the said Fees for Filing thereof, in the
second Term next after the said Writs
and Warrants are prosecuted and perfect-
ed. And on receiving them they shall give
Receipts under their Hands to the said
Prothonotaries by Way of Duplicate,
containing the County where the Lands
lie, the Names of the Demandants, Te-
nants, and Vouchees, who come in by
Writs of Summons, and also of the At-
tornies, and Clerks names, who prosecu-
ted the said Recoveries.

IV. (After reciting the above Rule, *Easter*
and the Complaint of the Attorney General *30 Car. 2.*
of his being defrauded of his Fee for signing *Attorney Ge-*
Writs of Entry.) Ordered that, THE Pro- *neral's Hand.*
thonotaries, for the Future, upon the
Examination and signing Recoveries, shall
Q 2 take

Returns of Writs.

Common Pleas. take Care that every such Writ of Entry be signed by the Attorney General, otherwise the said Prothonotaries not to sign such Exemplification. And the said Attorney General having the aforesaid Writs to him delivered, is desired to sign them without Delay. *And afterwards ordered to the same Purpose with this Addition, that,*

Pas. 34 Car. 2. V. NO Prothonotary shall receive such Writs to be filed, unless signed by the said Attorney General.

Reddidit se. Vide Bail XXIV. Outlawries III.

Reliſta verificatione. Vide Judgments IX.

Retainer. Vide Appearance III, IV, VI. Attornies XXIV.

Retraxit. Vide Outlawries III.

Returns of Writs.

Vide Outlawries III.

Mic. 1654.
Sheriff's Deputy to return Writs.

Same Term.
Of Delays of Returning, &c. Writs.

I. EVERY Sheriff to have his Deputy in Court to return Writs.

II. IF it shall appear that Sheriffs, Under-Sheriffs, Bailiffs of Liberties, and their Deputies, and other Bailiffs of Sheriffs,

Returns of Writs.

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Common Pleas.

riffs, &c. shall wilfully Delay the Execution or Return of any Procefs or Execution, or shall take or require any undue Fees for the fame, or shall give Notice to the Defendant, thereby to frustrate the Execution of any Procefs or Writ, or having levied Money, shall detain it in their Hands after the Time of the Return of their Writs, besides the ordinary Course of Amerciaments (the Contempt or Misdemeanor appearing) an Attachment, Information, Commitment, or Fine to be, as the Case requireth. And this as well in the Case of a late Sheriff, or Person before-mentioned, as of them at present in Office; and Sheriffs taking immoderate and excessive Fees for Execution of Writs of Possession, or Restitution of Possession, to be punished according to Law on Complaint thereof made. *And by a later Rule it is ordered that,*

III. IF any Sheriff, Under-Sheriff, or any Officers or Persons having the Return of any Procefs issuing out of this Court, or of any Precept or Warrant thereupon, shall neglect or refuse to return the same within six Days next after Service of a Rule of this Court for that Purpose, such Officers or Persons shall be liable to pay the Costs occasioned by such Neglect, to be taxed. *Hill. 8 Geo. 1.*

Rolls.

Vide Issues. Judgments VIII, &c.

Pas. 34 Car. 2.
Clerk of the
Effoins to de-
liver the Rolls
to the Pro-
thonotaries,

I. **T**HE Clerk of the Effoins for the Future shall not presume to deliver any Post-Rolls, or other Rolls to any Attorney or Clerk of this Court, but to the respective Prothonotaries, and other Officers of this Court that have a Right to such Rolls. *But Post-Rolls are now delivered to Attornies, and they pay 4 s. for each Roll, to the Clerk of the Effoins.*

Mic. 1654.
To what At-
tornies or
Clerks the
Prothonotary
is to deliver
them to be
entred.

II. **N**O Rolls to be delivered to be entred but only to Clerks or such Attornies as have entred for the Space of four Years last past for themselves. *But afterwards ordered that,*

Pas. 34 Car. 2.

III. **T**HE Prothonotaries shall not deliver any Rolls but to the proper Hands of some known Attorney or Clerk of their respective Offices.

Mic. 1654.
Not to be de-
livered to De-
faulters in not
bringing in
the Rolls.

IV. **A**ND no Rolls to be delivered to Persons offending the second Time in not bringing in the Rolls without a special Order. *And likewise afterwards ordered that,*

Pas. 34 Car. 2.

V. **N**ONE of the Prothonotaries shall hereafter deliver any Roll to any Attorney or Clerk who appears to be a Defaulter in not bringing back his Rolls in due Time, until they have brought in such

Until, &c.

such Rolls as they have delivered to them; and that it may appear in whose Custody all Rolls are, every Attorney or Clerk that shall receive any Roll, either Plea or Common, shall set his own Hand to the Prothonotary's Book for the Receipt of the same.

Common Pleas.

VI. NO Roll to be carried into the Country, under Pain that the Offender be excluded from entering any more Rolls afterwards as a Clerk. *And afterwards further ordered that,*

Mic. 1654.
Rolls not to be carried into the Country.

VII. IF any Attorney or Clerk carry any Rolls of this Court into the Country, this Court will Cause all the Penalties to be inflicted on them, and upon Notice of such Offenders the Court will further proceed against them as Contemnners of the Rules of this Court.

Paf. 34 Car. 2.

VIII. ALL Issues to be entred of the Term they are joined, and not of any other subsequent Term, and the Prothonotaries of this Court not to give Licence for the Entry of any such Issues, nor the Clerk of the Essoins to deliver out any Post-Rolls for the doing thereof, nor the Clerk of the Treasury to permit any such Issues to be entred in the Treasury upon any Account whatsoever. And the Prothonotaries shall not sign any Records of *Nisi prius* until the same, or an *Incipitur* thereof be fairly entred on Record, and the Fees first paid for the Entry thereof.

Paf. 5 W. & M.
Entering Issues.

Common Pleas.

Mic. 1654.
When to be
brought back
to the Protho-
notary.

Same Rule.

* *Trin. 29*
Car. 2.

Pas. 34 Car. 2.
The Rolls of
Easter Term.

Trinity Term.

Michaelmas
Term.

Hillary Term.

Mic. 1654.
The Protho-
notary to de-
liver the Rolls
to the Clerk
of the War-
rants.

IX. THE common Rolls of every Term (except *Easter*) to be brought to the Prothonotary fairly entred, and docketted at least ten Days before the Effoin-Day of the succeeding Term, under Pain of 10s. for every Roll wanting.

X. AND the Rolls of *Easter Term*, to be brought to the Prothonotary on or before the 1st Day of *Trinity Term*. But * afterwards the Time of bringing the Rolls to the Prothonotary's Office was altered, but by the next (the latest) Rule in that Respect, it is ordered that,

XI. EVERY Attorney and Clerk of this Court, that shall receive any Roll, Plea or Common, of any *Easter Term* for the Future shall bring the same to the Office from whence he received it, at or before the first Day of the next *Trinity Term*, and the Rolls received of *Trinity Term*, at or before the Feast-Day of St. *Michael* the Archangel, and the Rolls received of *Michaelmas Term*, at or before the sixth Day of *January*, and the Rolls received of *Hillary Term*, four Days before the Feast-Day of *Easter*.

XII. THE Rolls brought to the Prothonotaries (except those of *Easter Term*) to be delivered over to the Clerk of the Warrants the Day before the Effoin-Day of the ensuing Term, together with a Note of the Rolls that are wanting, the same Note to be subscribed by the Clerk of the Warrants, and re-delivered to the
Pro-

Prothonotary. And the Rolls of *Easter Common Pleas.*
Term to be delivered to the Clerk of the Warrants within six Days.

XIII. THE Clerk of the Warrants *Same Rule.*
within five Days after he receives the The Clerk of
Rolls from the Prothonotary, to deliver the Warrants
over the common Rolls to the Clerk of to deliver
the Effoins taking the like Note from the them to the
Clerk of the Effoins of the Rolls want- Clerk of the
ing. *But afterwards, as to Rolls being Effoins.*
delivered to the Clerk of the Effoins, order-
ed that,

XIV. THE several and respective Of- *Pas. 5 W. & M.*
ficers of this Court shall deliver in all
their Rolls of *Trinity, Michaelmas, and*
Hillary Terms to the Clerk of the Effoins
before the Effoin-Day of the several
Terms following, and their Rolls of
Easter Term on or before the first Day
of *Trinity* Term following; and that Of-
ficer that shall not bring or send in all
his Rolls of the said several Terms at the
Times aforesaid, shall pay to the Clerk
of the Effoins for every Roll brought in
after, 12*d.* AND the Plea-Rolls of Of bringing
every Term shall be brought in, to the the Plea-Rolls
Clerk of the Effoins within three Weeks to the Clerk
after the End of the Term following; of the Effoins.
and in Default thereof there shall be like-
wise paid to the Clerk of the Effoins for
every Plea-Roll brought in after, 12*d.*

XV. THE Clerk of the Effoins to *Mic. 1654.*
bind up the Rolls, viz. the first Part be- The Clerk of
fore the Appearance-Day of the second the Effoins to
Return, the second Part before the Ef- bind up the
foin- Rolls.

Common Pleas. soin-Day of the third Return, and the third Part on the Effoin-Day of the next Term.

The Rolls of *Easter Term* to be bound up before the Effoin-Day of *Michaelmas Term*.

Mic. 1654. Pas. 34 Car. 2. In these Terms Rules were made that the Prothonotaries should give the Court an Account of what Rolls were wanting, but by the next Rule the Clerk of the Effoins is to do it.

Mic. 2 Geo. 1. XVI. (AFTER reciting the Time for the Rolls being delivered to the Clerk of the Effoins, as before XIV. and of the Carets being delivered to him by the Prothonotaries), It is ordered that, THE Clerk of the Effoins do a Fortnight within every Term, lay before the Court an Account of what Rolls are wanting that ought to have been brought in, together with the Attornies Names who took them out of the Offices, that the Court may proceed against them.

Mic. 1654. Of Access to the Rolls. XVII. A TABLE to be set up of the Names of the Officers and Clerks that are to be admitted to the Rolls of the Treasury; and such and no other to be admitted thereto, and they may resort there as well for their Occasions as for learning Instructions, during the Term, and twice a Week for a Month after Term, and every such Clerk duly to attend as well the Prothonotary's Office in Term-time as for the entring of Judgments

ments upon Summons given by the Prothonotary. *Common Pleas.*

Rules.

Vide Bringing in the Body. Habeas Corpus XVIII. Judgments I. Motions. Prisoners II. Returns of Writs III.

I. RULES to plead to be only given in the Bills of Pleas, or other Remembrances for that Purpose, only to be in the Custody of the Secondary of the respective Prothonotaries, during the Time limited for giving Rules, to the Intent that all Persons concerned may have recourse to the said Secondary, and to see the same *Gratis*; and the Clerks who usually enter for Attornies, may give Rules for Answer in the said Remembrances in all their own Causes wherein there have been Imparances, except in Ejectments, so as they enter the same Rules in the Office without carrying any of the said Remembrances out of any of the said Offices; and the Secondary to set down upon the Remembrances the Day wherein such Rules are given, and no Rules to declare or Answer to be given after three Days exclusive after the End of any Term, and such Rule to be out at four Days, inclusive of the Day wherein the same is given.

Mic. 1654.
How and when Rules to declare and plead are to be given.

Scire

Scire facias.

Vide Bail XXIV.

Per Notice in
the Offices.
Trin. 10 Geo. 2.

I. **A**LL Writs of *Scire facias*, to be entred in the Office on the Remembrance of each respective Prothonotary to whom they belong, and henceforth no Remembrance will be lent out for that Purpose.

Secondaries. Vide Affidavits I, II.

Sheriffs.

Vide Attornies XIV. Bail-Bonds.
Outlawries II, III, VI, &c. Returns of Writs. Warrants.

Hill. 14 & 15
Car. 2.
Hill. 15 & 16
Car. 2.
Trin. 1 Jac. 2.
To have De-
puties.

And to attend
the Court.

I. **E**VERY Sheriff shall make, and cause to be entred on Record a sufficient Deputy, to receive all manner of Writs and Proceſs, under the Penalties of the Stat. 23 Hen. 6. And the ſaid Sheriffs or their Deputies ſhall perſonally attend in *Westminster-Hall* daily in Term-time, that they may with more Convenience diſpatch the Services which appertain to their Offices. And,

II. EVERY

Trials.

III

II. EVERY Deputy-Sheriff yearly before *Hillary* Term to have his Name and Place of Residence in *London* or *Middlesex*, set and continued up in Tables in the Office of the Clerk of the Warrants.

Common Pleas.

Mic. 1654.
Table of Deputy Sheriffs.

Special *Verdicts*. Vide *Verdicts* (Special).

Superseedeas. Vide *Bail I. Error II. Habeas Corpus XXII. Outlawries. Prisoners.*

Surrender. Vide *Bail XXIV. Prisoners XI.*

Trials.

Vide *Notices. Postea. Recipiatur. Record of Plea prius.*

I. ALL Causes to be tried in *London* or *Middlesex*, to be entred in the Marshal's Book four Days before the Trial. But afterwards by Order of the Lord Chief Justice.

Mic. 1654.

Enteing Cause for Trial at the Sittings.

II. ALL Attornies that shall have any Causes to be tried at *Guildhall, London*, or at *Westminster-Hall*, shall enter the same in the Marshal's Book, two Days at least exclusive before the Day of Trial, or a *Ne recipiatur* may be entred.

Pas. 1 Jac. 2.

III. RULES

Common Pleas.

Hill. 9 Ann.
For Trial at
Bar.

III. RULES for Trials at Bar being usually granted one or more Terms before such Trials are appointed to be had; and the Habeas Corpora are made out upon Venire's returnable in the preceding Term, so that Attornies for Plaintiffs have always Opportunity of giving timely Notice to this Court of the Days when such Trials are to come on; therefore, THE Attorney for the Plaintiff in every Cause which in such Case shall come to be tried at the Bar of this Court, shall before the Effoin-Day of the Term, in which such Cause shall be appointed to be tried, give Notice to the chief Prothonotary, or his Secondary, of the Day on which such Cause is to be tried, that the same may be put down in the Court-Book. And in Case such Attorney neglect so to do, then without Motion and the special Direction of this Court, such Causes shall not be tried that Term.

Mic. 3 Geo. 2.
Copies of Issue
to be delivered
to the Judges
before Trial
at Bar.

IV. IN all Causes which shall be tried at the Bar of this Court, the Lord Chief Justice, and the Rest of the Justices of the said Court, shall respectively have Copies of the Issues in the said Causes delivered to them four Days before the Time appointed for Trial.

Mic. 1654.
Allowance af-
ter a private
Verdict.

V. FOR the Remedy of excessive Charges of Trials at Bar, especially whilst the Jury lieth out, ordered that, A JURY lying out one Night after a privy Verdict delivered, there shall be allowed for the whole Diet of each Jury-man that

Night, no more than 3 s. and 4 d. a-piece, *Common Pleas.* and for two Criers to each of them no more than 2 s. ordinary, besides the Charge of the Jurors Lodging. AND after a Verdict delivered in Court, the Jury and Officers to be paid their Charges and Fees in the inner Treasury, without going to Taverns or Victualling-Houses. *Fees, &c. after Verdict in Court.*

VI. WHERE a Verdict finds intire Damages where Damages are the Principal, and Part not actionable, tho' Judgment be arrested, yet by Rule of Court a *Venire facias de novo* may issue as upon an ill Verdict, and upon the new Trial the Party may sever his Damages. *Mic. 1654. Of new Trial.*

VII. IN every Cause to be tried in the respective Circuits, the Writ and Record shall be entred together; and no Record shall be received without the Writ. *Trin. 10 & 11 Geo. 2. Entering Record and Habeas Corpora.*

Venire facias. Vide Trials.

Venue.

Vide Appearance V. Habeas Corpus
XXI.

I. ACTIONS upon the Case, Trespas for Goods, Assault or Imprisonment arising in any *English* County, to be laid in their proper Counties, unless they arise where Justices of *Nisi prius* seldom *Mic. 1654. Where laid.*

Verdicts (Special).

Common Pleas. seldom come. And because Trespass or Trover for Goods, Battery, Imprisonment and Slander, must needs be notorious in what County they arise; the Attorney knowingly laying them out of the proper County (unless in the Cases before expressed, or for such other Causes as shall be allowed by a Judge of the Court, and duly made appear to be true) to be severely punished.

Same Rule.
Of changing it.

II. ALTHO' the Declaration be delivered seven Days before the last Day of the next precedent Term, or after, yet before Plea, upon Oath made, the *Vifne* may be changed upon Motion in the said transitory Actions the next Term after, and the Defendant to plead to the new Action, as he should have done in the other without Delay.

Same Rule.

III. THE *Vifne* may be changed (upon Oath) as before, tho' the Defendant come in by *Exigent*.

Pas. 24 Car. 2.

IV. NO Defendant shall be permitted to move to change the *Venue* in any Action, 'till his Appearance be entred.

Verdicts (Special).

Vide Demurrers. Judgments IX.
Trials.

Mic. 1654.
Of finding special Verdicts.

I. I N finding special Verdicts where the Points are single and not complicated, and no special Conclusion, the
I Coun-

Verdicts (special).

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Counsel (if required) to subscribe the Points in Question, and agree to amend Omissions or Mistakes in the *mesne* Conveyance, according to the Truth, and to bring the Point in Question to Judgment. *Common Pleas.*

II. UNNECESSARY finding of *Same Rule.*
Deeds *in hæc verba*, where the Question rests not upon them, but are only Derivation of Title to be spared; and found shortly according to the Substance they bear in Reference to the Deed, as Feoffment, Lease, Grant, &c.

III. NO Cause in any Term to be put in the Book of this Court, to be argued after the last Day of Arguments, unless the Court here be thereupon moved, and shall order it. *Trin. 12 Geo. 1. Entering Causes to be argued.*

Warden of the Fleet. Vide Prisoners.

P

Warrants.

Warrants.

Vide Appearances III, VI. Attachment of Privilege I. Bail-Bonds I. Judgments VI. Outlawries I. Record of Nisi prius, V, &c. Recoveries. Returns of Writs.

Of Sheriffs.

*Mic. 1654.
Hill. 14 & 15
Car. 2.
Trin. 1 Jac. 2.
No blank
Warrants be-
fore Writ
issued.*

I. **N**O Sheriff or Deputy shall deliver any blank Warrants before the Writ be duly sued forth and delivered to the said Sheriff or Deputy: Nor shall any Clerk or Attorney of this Court receive or procure to be made any such Warrants, upon Pain of severe Punishment and Fine to be imposed on the said Sheriffs and Deputies, and utter Expulsion of the Clerks or Attornies offending in the Premisses.

Of Attorney.

*Mic. 1654.
Warrants to
appear or con-
fess Judgment.*

II. **T**HE Principal in any Bond or Bill obligatory for the Time to come not to give a Warrant to appear for, or confess Judgment against his Surety; and no Judgment be confessed for, or given against the Surety upon any such Warrant given by the Principal.

III. EVE-

Writs.

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III. EVERY Attorney to file his Warrant of Attorney of the Term wherein any *Exigent* is awarded, Demurrer or Issue joined or Judgment entred, or which of them shall first happen upon Pain of 40 s. for every Time he offendeth, such Warrant to be filed upon or before the *Essoin-Day* of every *Trinity Term*, and within the Space of twenty-one Days next after the End of every other Term. *But by the next Rule,*

Common Pleas.

Hill. 14 & 15

Car. 2.

Pas. 1 Jac. 2.

Filing Warrants of Attorney.

IV. THE Plaintiff upon Delivery of the Copy of an (a) Issue, shall receive of the Defendant's Attorney, the Fee for filing his Warrant therein, if the Defendant's Attorney refuse to pay him for it, the Plaintiff's Attorney shall sign Judgment in like Case, as if the Defendant's Attorney had refused to pay for the Copy of the Issue or Entry of his Plea, which said Plaintiff's Attorney shall file as well the Defendant's as the Plaintiff's Warrant of Attorney before the making up his Record therein.

Hill. 2 & 3

Jac. 2.

Of paying for Warrants of Attorney.

(a) 'Tis the Practice now for the Defendant to pay for filing his Warrant on receiving the Declaration.

Writs.

Vide Attachment of Privilege. Bail I. Certiorari I. Error. Fines. Habeas Corpus. Original. Recoveries. Scire facias.

I. ALL Executions, and all other Writs issuing out of the Prothonotaries

Mic. 1654.

To be signed before sealed.

P 2

notaries

Common Pleas. notaries Offices, be duly signed by the respective Prothonotaries before the same be sealed.

Per Notice

Hill. 7 Geo. 2.

Of Notice to appear.

**Stat. 5 Geo. 2.*
c. 27.

II. IN Notices to appear to be served upon Defendants with Copies of Process, pursuant to the late * Act of Parliament the Day of the Return of such Process must be inserted, altho' it happens to be upon a *Sunday*.

The following Rule should have been placed under Title Postea.

Trin. 13 Geo. 2.

ORDERED, That after final Judgment has been signed upon *Posteas* and Inquisitions, they shall be immediately delivered to the Clerk of the Judgments of the respective Prothonotaries, and shall not afterwards be taken out of the Office without Leave of Court.

E R R A T A.

Page 23. Line 13. for than read then. p. 34. l. 13. for If it be, r. It is.

A T A-

A
SUPPLEMENT

To the Second PART,

Which contains the Practice of the
Common Pleas.

Affidavits:

(Vide Part II. Page. 2.)

III. **W**hereas by the general Rule *Common Pleas.*
and Practice of this Court, Easter 13 G.
Affidavits taken before At- 2. 1740.

tornies (as Commissioners) in Causes Before whom
wherein they are concerned for the Parties to be made.
in whose Behalf such Affidavits are made,
have been deemed insufficient ;

And whereas some Doubts have arisen
whether such Rule and Practice should ex-
tend to Affidavits made in order to hold De-
fendants to Bail before Process sued out, or
to Affidavits of Service of Process, where
only

Attornies.

Common Pleas. only a common Appearance is required : In order to settle the Practice for the future,

It is ordered, That all such Affidavits to hold to Bail, or of the Service of Process, where only a common Appearance is required, may be sworn before the Plaintiff's Attorney, being a Commissioner, and may be made Use of for the Purposes aforesaid.

Attornies.

(Vide Part II. Page 15.)

Fix'd up in
the Offices,
Trin. 13 G. 2.
1739.

XXVII. *The Form of a Notice of a Bill being filed against an Attorney.*

In the Court of Common Pleas at Westminster.

Between $\left\{ \begin{array}{l} A. B. \\ C. D. \end{array} \right.$ AND Plaintiff,
C. D. one of the Attornies of
the said Court, Defendant.

Take Notice, That a Bill of — Term is filed against you in Mr. Prothonotary —'s Office, at the Suit of the Plaintiff above named, in an Action of Trespass on the Case upon several Promises (or as the Cause is) to the Damage of $\quad$ l. and unless you appear thereto within $\quad$ Days (four or eight, as the Case requires; see the Rule for that Purpose, Paragraph XXVI. Page 15.) a Forejudger will

Fines. Notices.

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will be entered against you, dated the *Common Pleas.*
_____ Day of _____.

To Mr. C. D. }
the Defendant. }

E. F. Attorney
for the Plaintiff.

Fines.

(Part II. after the first Paragraph p. 41.)

IT is ordered by this Court, that *Mich. 16 G.*
from and after the first Day of this *2. 1742.*
Term, no one shall be a Commissioner
for taking Fines, unless he be of the full
Age of 21 Years.

Notices.

(Vide Part II. Page 67.)

After Par. X. **Whereas** by the *antient Easter 13 G.*
Rule of this Court, 2. 1740.
(viz. *Mich. 1654. vid. Par. X.)* in all *Where a*
Causes in which there have been no Pro- *Term's No-*
ceedings for above a Year, the Party who *tice must be*
desired to proceed again, must give a Term's
Notice to the other: **And whereas** some
Doubts have arisen on the Construction
of this Rule, to ascertain the same, **It**
is ordered, That in all Cases in which
there have been no Proceedings for four
Terms exclusive of the Term in which
the last Proceeding was had, the Party
who

Common Pleas.

who desires to proceed again, shall give a Term's Notice to the other of such Proceeding; that such Notice shall be given before the Effoin-Day of the fifth or other subsequent Term; that a Judge's Summons, if no Order be made there-upon, shall not be deemed a Proceeding, but that a Notice of Trial, though afterwards countermanded, shall be deemed a Proceeding within the Meaning of this Rule.

Recoveries.

(Part II. before the first Paragraph Page 100.)

Mic. 16 G. 2.
1742.

IT is ordered by this Court, That from and after the first Day of this Term, no one shall be a Commissioner for taking Warrants of Attorney for common Recoveries, unless he be of the full Age of 21 Years.

Trials.

(Vide Part II. Page 113.)

Hil. 14 G. 2.
1740.

VIII. **A**FTER reciting the Order of Trin. 10 and 11 G. 2. (Part II. Page 113. Paragraph 7.) it is recited, That the said Order had not fully answered

the Intent thereof, but that many Inconveniencies still happened to the Suitors, by delaying or putting off the Trials of their Causes ; therefore more effectually to prevent these Inconveniencies for the future, It is ordered, That no Writ and Record of Nisi Prius shall be received at the Assizes in any County in England, unless they shall be delivered to, and entered with the Marshal before the first Sitting of the Court after the Commission-Day, except in the Circuits of York and Norfolk ; and there the Writs and Records shall be delivered to, and entered with the Marshal, before the first Sitting of the Court, on the second Day after the Commission-Day ; otherwise they shall not be received : And that every Cause shall be tried in the Order in which it is so entered, without any Preference or Delay, unless it shall be made out to the Satisfaction of the Judge in open Court, that it is impracticable, or inconvenient so to do ; who thereupon may make such Order for the Trial of the Cause so put off, as to him shall seem just.

And that a List of the Causes, when so entered as aforesaid, shall be made by the Marshal, and forthwith fixed up in some public Place in the *Nisi Prius* Court, there to remain during the whole Time of the Assizes.

Venue.

Venue.

(Vide Part II. Page 114.)

Mic. 16 G. 2. V. 1742. **W**hereas there hath been a Doubt whether a Defendant can move this Court to change the Venue after he hath obtained Leave for further Time to plead than is allowed by the Course of this Court, though the Words of the Rule made in Mich. Term 1654. are exprefs that he may move to change the Venue at any Time before Plea ; To remove fuch Doubt for the future, **It is ordered** by this Court, that from and after the first Day of this Term any Defendant or Defendants may move to change the Venue at any Time before Plea pleaded in all fuch Actions where the Venue may be changed by the Course of this Court, notwithstanding fuch Defendant or Defendants may have applied for, and obtained further Time to plead before fuch Motion made.

Warrants.

(Vide Part II. Page 116.)

Trin. 14 & 15 G. 2. 1741. **A**fter Par. II. **T**o prevent Frauds and Impositions in the Execution of Warrants of Attorney for confef-
sing Judgment in this Court, **It is ordered,**

Warrants.

125

Directed, That every such Warrant of Attorney shall be read over by the Person who is to execute the same, or by some other Person to him before the Execution thereof; and that if Judgment shall be entered up upon any such Warrant of Attorney which shall be executed after the first Day after next Michaelmas Term, (*i. e.* Michaelmas Term 1741.) and which shall not be read over as aforesaid, such Judgments upon Motion may be set aside as irregular.

A T A-

A
TABLE,
S H E W I N G

The Dates of the Rules in the SUPPLEMENT to the Second Part, and the Titles whereunder they are Common-placed.

TRIN. 13 Geo. 2. 1739. **A**ttornies.
East. 13 Geo. 2. 1740. **A**ffidavits.
Same Term. **N**otices.
Hil. 14 G. 2. 1740. **T**rials.
Trin. 14 & 15 Geo. 2. 1741. **W**arrants.
Mich. 16 G. 2. 1742. **V**enue.
Same Term. } **F**ines.
 } **R**ecoверies.

A
T A B L E
O F T H E

DATES of the COMMON PLEAS
Rules, and under what TITLES
they are placed.

	Appearances. Sect. I to III.
	Attornies I.
	— VII to X.
	— XIV to XVI.
	— XVIII, XX.
	— XXII to XXIV.
	Bail I to VII, XXIV.
Michaelmas Term, 1654.	Bail-Bonds I.
	Clerks I.
	Declarations I to IX.
	Demurrers I, II.
	Habeas Corpus I to XXI, XXIV.
	Imparlances II to VI.
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A Table of the Dates, &c.

	Wale-practice Sect. I, II.
	Non pros' I to IV, VII.
	Notices I to X.
	Officers and Offices I, II.
	Outlawries II, IV, VI, XVI, XVII.
	Pleas I to V.
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	Record of Nisi prius I, II.
Michaelmas Term, 1654.	Recoveries I.
	Returns of Writs I, II.
	Rolls II, IV, VI, IX to XIII, XV, XVII.
	Rules I.
	Sheriffs II.
	Trials I, V, VI.
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Hill. 14 & 15 Car. 2.	Sheriffs I.
Same Term.	Warrants III.
	Attornies XIV, XVII, XIX.
Same Term.	Habeas Corpus XXII, XXIII.
	Prisoners X.
Hill. 15 & 16 Car. 2.	Outlawries VII.
	Sheriffs I.
Mich. 17 Car. 2.	Outlawries VIII, X.
Trin. 21 Car. 2.	Attornies XII.

Same

of the Common Pleas Rules.

Same Term.	{ Attornies Sections XIII, XXV.
<i>Pas.</i> 24 <i>Car.</i> 2.	{ Imparlances VII. Outlawries III, XV. Appearances IV, V. Declarations X.
Same Term.	{ Imparlances I. Pleas XII. Venue IV. Demurrers III. Error I. Error II, V. Fines III. Fines V. Attornies I. Record of Nisi prius III.
<i>Pas.</i> 27 <i>Car.</i> 2.	{ Attachment of Privi- lege I.
<i>Trin.</i> 28 <i>Car.</i> 2.	Record of Nisi prius IV.
<i>Mich.</i> 28 <i>Car.</i> 2.	Judgments VIII to X.
<i>Hill.</i> 28 & 29 <i>Car.</i> 2.	Recoveries III.
<i>Pas.</i> 29 <i>Car.</i> 2.	Recoveries IV.
<i>Trin.</i> 29 <i>Car.</i> 2.	Original I.
Same Term.	Ejectment I.
Same Term.	Outlawries XII.
<i>Mic.</i> 29 <i>Car.</i> 2.	Posteas II.
<i>Pas.</i> 30 <i>Car.</i> 2.	Recoveries V.
<i>Mic.</i> 30 <i>Car.</i> 2.	Rolls I, III, V, VII, XI.
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<i>Pas.</i> 34 <i>Car.</i> 2.	{ Warrants III.
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<i>Trin.</i> 1 <i>Fac.</i> 2.	Sheriffs I.
<i>Pas.</i> 2 <i>Fac.</i> 2.	Posteas III.

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Monday, 13 Maii, 1689.

{ Warrants IV.

Trin. 1 Gul. & Mariae.

{ Outlawries XIV.

Trin. 2 Gul. & Mariae.

{ Bail X.

Same Term.

{ Bringing in the Body I.

Pas. 5 Gul. & Mariae.

{ Affidavits I.

Same Term.

{ Bail XIV to XX.

Same Term.

{ Rolls VIII.

Same Term.

{ Rolls XIV.

Pas. 6 Gul. & Mar.

{ Prisoners I to VII.

Trin. 9 Will. 3.

{ Fines III.

Pas. 13 Will. 3.

{ Attachment of Prison-
lege II.

Mic. 4 Annae.

{ Certiorari I.

Easter, 9 Annae.

{ Attornies I to VI.

Hill. 9 Annae.

{ Fines II.

Same Term.

{ Trials III.

Same Term.

{ Declarations XI.

Same Term.

{ Non pros' V.

Mic. 2 Geo. I. 1715.

{ Bail-Bonds II.

Trin. 2 Geo. I. 1716.

{ Rolls XVI.

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{ Notices XIV.

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{ Notices XII.

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{ Appearances VI.

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{ Bail XXI.

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{ Receiptatur I.

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<i>Hill.</i> 13 <i>Geo.</i> 1. 1726.	Fines I.
<i>Easter and Trinity,</i> 13 <i>Geo.</i> 1. 1727.	{ Prisoners XLV.
<i>Mic.</i> 1 <i>Geo.</i> 2. 1727.	{ Declarations XII.
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<i>Mic.</i> 3 <i>Geo.</i> 2. 1729.	Trials IV.
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<i>Easter,</i> 3 <i>Geo.</i> 2. 1729.	{ Declarations XIV.
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<i>Mic.</i> 5 <i>Geo.</i> 2. 1731.	Judgments VI.
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F I N I S.

